Three Strikes and You're Dead, by William Tucker

THE AMERICAN SPECTATOR®

MARCH 1994

A MONTHLY REVIEW EDITED BY R. EMMETT TYRRELL, JR.

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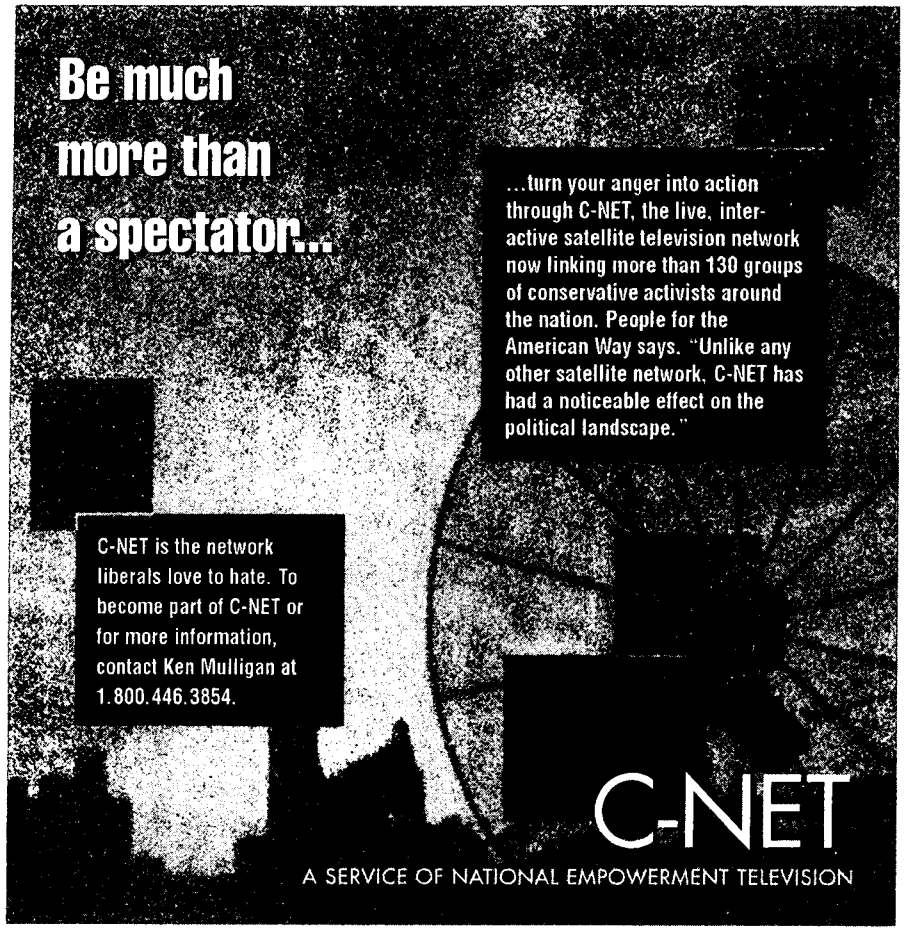
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ABOUT THIS MONTH

by

Wladyslaw Pleszczynski

WE LIVE IN TAWDRY TIMES, though just how cheap sometimes defies any notion of taste. When *Newsweek* magazine finally decided to put someone other than Tonya Harding on the cover, it chose 13-year-old Zlata Filipovic for its February 28 issue, along with this headline: "A Child's Diary of War: Excerpts from 'Bosnia's Anne Frank.' " Only on the inside would the tremulous reader learn that the child is alive and living in Paris. At *Newsweek*, they must think that Anne Frank survived to sell her story.

Cheap thought goes hand in hand with cluelessness. A recent missive from my congresswoman, freshman Rep. Leslie R. Byrne, summons me to a town meeting to discuss "Violence in our Schools." "Now is the time to channel our fear and frustration into finding solutions to this problem," Byrne writes. ". . . Experts will be on hand to discuss what we can do . . . to help our children learn in an environment that is safe and free from the distractions of fear." Experts? "Oh, everyone's taking that so literally," a staffer in the congresswoman's office replies when I ask for a list. But they will welcome my "input," I'm told. My expert, then, is Mr. T., the television star who had this to say when asked by the *New York Post* "What do you think of the debate over TV violence?"

> That's a cop-out for people. I'm 41 and I grew up around "The Untouchables" and my father is a minister.
>
> We watched Matt Dillon and "Wanted: Dead or Alive" and Paladin, "Have Gun Will Travel," and there weren't any kids going out shooting nobody dead. So what happened? It's the parents not doing their job.
>
> I got two daughters. Where's my job as a father? They can watch Freddy Kruger and all this stuff, but they know it's just entertainment. Then on Sunday morning, we can go to church and worship God.

WHICH BRINGS ME to our ruling political elites, who revel in the cheapness and lack of understanding they bring to their work. In his State of the Union address, President Bill endorsed "Three Strikes and You're Out" as his solution to violent crime, a sure way to increase murder rates nationwide (see William Tucker, page 22). He next unveiled a magic-show budget for FY95, replete with all the usual deceptions and more—this president may be the first ever to dismiss the connection between economic growth and a nation's fiscal solvency (see Lawrence Kudlow, page 27). One of the out-of-control agencies that is doing its job so well that Clinton has yet to find someone to run it is the Equal Employment Opportunity Commission. As investigator James Bovard reports (see page 32), the EEOC specializes in forcing employers to hire by quotas—and in prosecuting minority employers who hire the wrong minority. And just to show it's fair-minded, the agency also insists that women's gyms allow men in. How else, I guess, is it going to increase its sexual harassment caseload?

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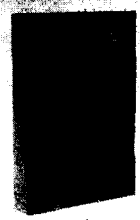

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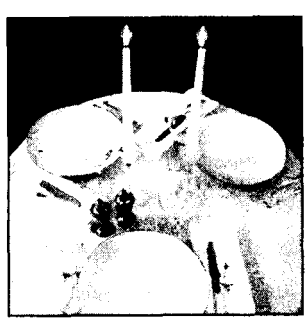

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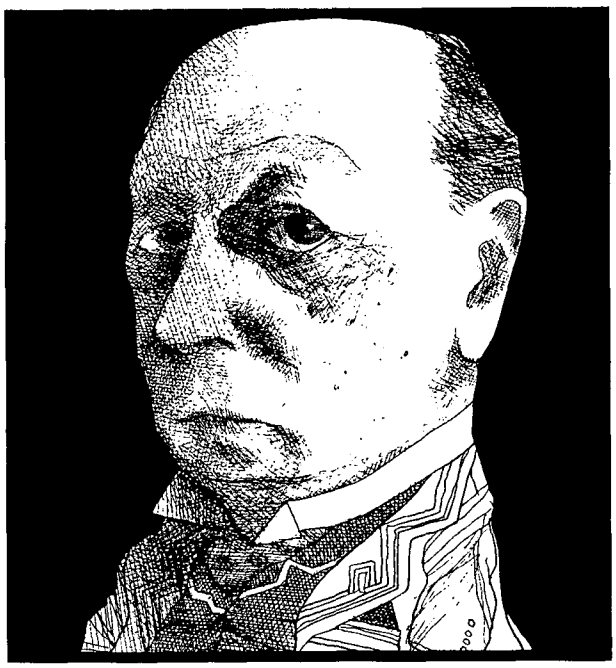

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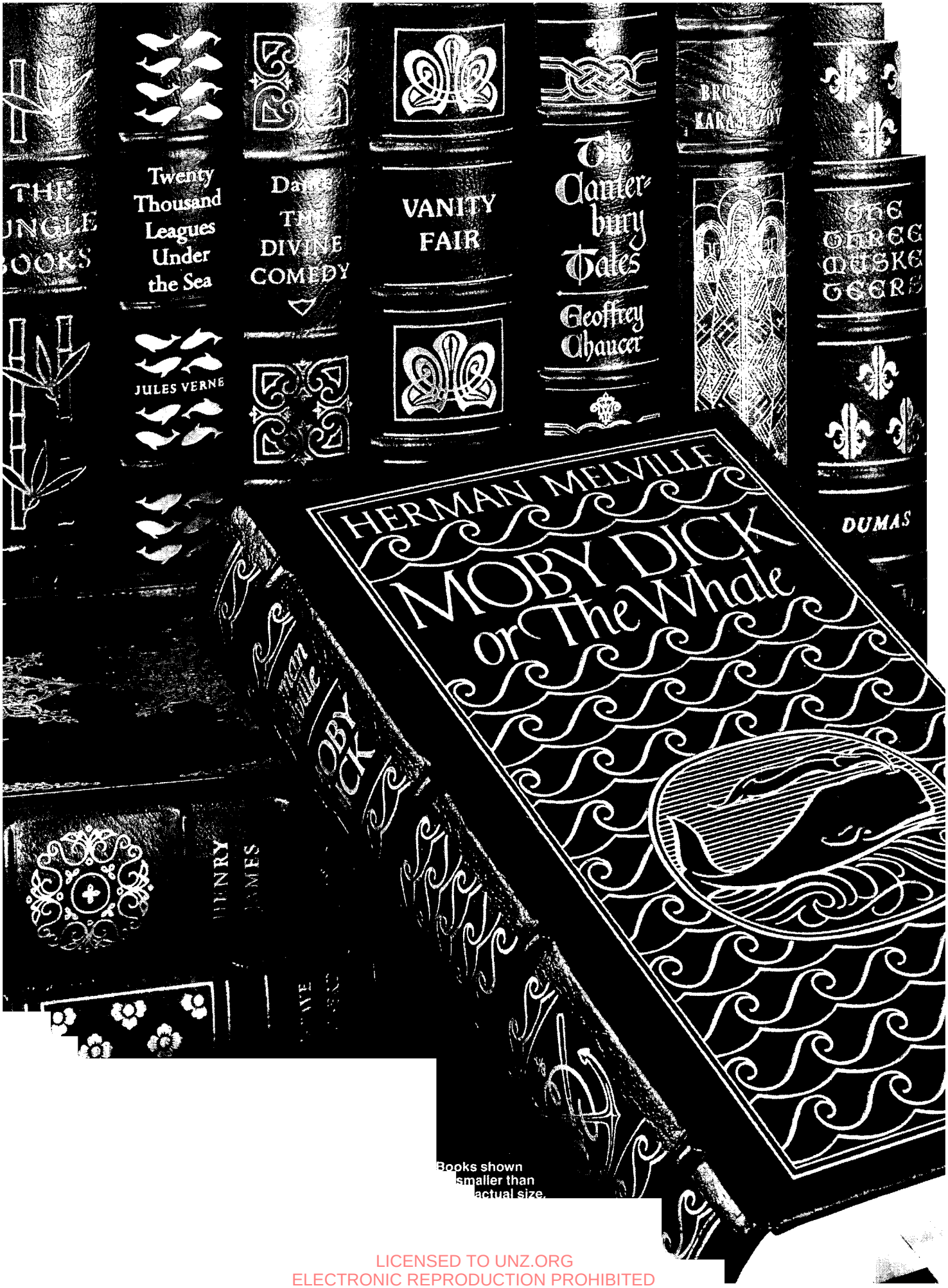

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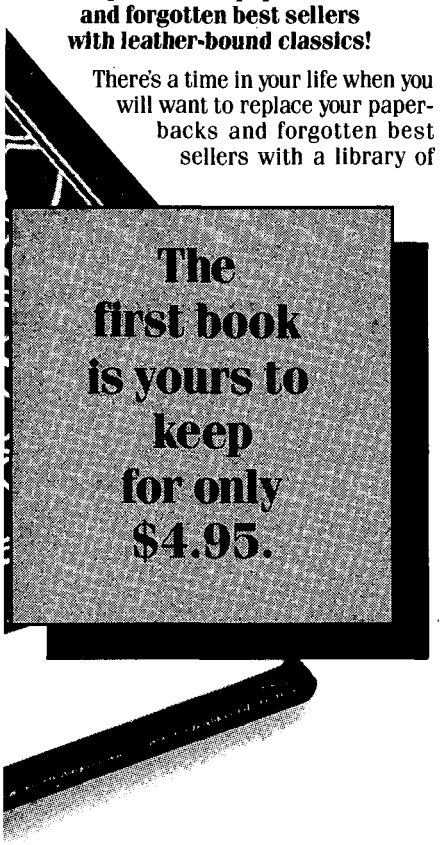

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THE CONTINUING CRISIS

• This installment of the Crisis includes late January and all but the last few days of February, as *The American Spectator* is again almost on schedule. Our investigations of the Clinton scandals wreaked havoc with our last two deadlines, but normalcy is returning. Apparently it will never return for *Spy*, the hot, hot, hot magazine of a decade ago. *Spy* is another of those magazines that appear every so often, claiming to be fearlessly "anti-establishment," though its money and personnel all issue from America's timid and philistine elites. While claiming to be iconoclastic and cosmopolitan, *Spy* almost always targeted conservatives, and frequently Jewish conservatives. Now this artless venture in self-promotion has gone belly-up, its chest-beating writers and editors for the most part having found safe harbors back in conventional American journalism, where conformity is the comfortable bulwark of stupidity.

• Congratulations must be extended to Iowa State trooper Mark Domino. Trooper Domino is the first American in 1994 to be quoted in the national press using the word "dang." The marvel took place sometime in late January after trooper Domino arrived at the Rudd, Iowa home of Mr. and Mrs. Lawrence Giambelluca, guns drawn. "It was a *dang* [italics added] good thing we arrived when we did," intoned the stalwart officer, "or she would have died." The Giambellucas had again left Mrs. Giambelluca's mother in her outdoor cage, and it was getting nippy. In Oakland, California, former governor Jerry Brown auspicated a nationally syndicated talk show early in February, cleverly slipping it in between January's earthquakes and some costly mudslides that afflicted the state later in February. And this master of the macabre has not lost his deft verbal touch. Asked to explain his metamorphosis from presidential candidate to talk-show host, Mr. Brown gibbered portentously, "People who work in a fish factory don't realize they stink." During his studies of Eastern mysticism, he once went fifty-seven days without a change of underwear. In Calaveras County, California, Mr. Bob Shepard and his wife Connie were arraigned on charges that they unlawfully milked slime from four toads for the liquid's psychedelic effects.

• In an attempt to brighten the somber lives of hundreds of local motorists, city officials in Longmonth, Colorado, have vowed to replace their conventional "dead end" street signs with perkier "no outlet" signs. The Politically Correct pox has befallen the United Kingdom, where employees of Gateway, Britain's fifth largest food retailer, are relabeling all gingerbread men "gingerbread persons." Yet there are protests! The director of the National Association of Master Bakers, Mr. David Harbourne, insists that "Gingerbread men have been around in some shape or form since the seventeenth century. This is absolutely ridiculous." The bakers' case, however, might be strengthened if their gingerbread men were anatomically correct, though, of course, kept away from young children and English college girls. Also from the United Kingdom comes word that condign punishment has been briskly meted out to a 75-year-old woman guilty of what is perhaps the cruelest sex hoax of modern times. The unnamed lady—frail and appearing humorless—has been given an unspecified suspended sentence for luring more than a hundred young men into her garden by pretending she was sex-starved. Using a telephone message service, she would tell the men that she was a young and voluptuous airline stewardess "ready for anything to satisfy their desires." The men were encouraged to come to the garden in the dark of night and to disrobe in front of an illuminated sheet so that the still-hidden temptress might inspect their particulars. Then the aged impostor would dodder forward, on the arm of her adopted son. Both would be dressed as medical workers, and in peremptory tones they would notify the startled youths that a 92-year-old woman was dying in the bedroom above them. They would demand to know what the scantily clad patheticos were doing in their garden. And they would threaten to call the authorities unless £50 were immediately forked over. Naturally, most of the young men were German exchange students, and many seem to have derived profound satisfaction from the ordeal.

• There is egg on the face of the surgical staff at the renowned Weifang Medical Institute in China's Shandong province. After asking a television crew to film the staff's first attempt at open-heart surgery, they discovered too late that they had operated on the wrong patient. The wretch was in truth a young man who had merely checked into the hospital for a tonsillectomy. Under the Clinton health care plan the thing might never have occurred. Democratic reformers were given renewed hope when Mr. Lyndon LaRouche was released from a federal hoosegow after serving five years of a 15-year sentence for mail fraud and conspiracy to defraud the Internal Revenue Service. Mr. LaRouche, who has run for the presidency many times, seems to have a particularly nice touch with members of what was once referred to as the Hubert Humphrey wing of the Democratic Party. According to his spokeswoman, Miss Dana Scanlon, he will "take a couple of days to get himself settled and then he'll probably have things to say to the press." Perhaps he has some new theories on the fate of the lost 1930s aviatrix, Miss Amelia Earhart, or knows something of the whereabouts of Mr. Elvis Presley, or of Mr. Ralph Nader, who has practically vanished. He is hardly ever mentioned in the *New Republic* nowadays or even in the editorial swamps of the *New York Times.*

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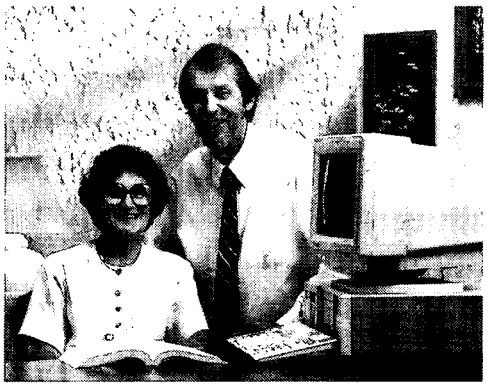
• In a related story, four men armed with a handgun robbed the gift shop of the Princess Alexandra Hospital in Harlow, England. They passed up the cash but completely cleaned out the shop's supplies of teddy bears and chocolates. In Lancaster, California, Mr. Steven Brigida's attempt to flee prison was cut short when the trash bin in which he was surreptitiously transporting himself was scooped up by a trash-compacter and compressed into a tightly bound bale about one-fifth the size of the original load. Mr. Brigida suffered broken bones and the lusty ridicule of many Lancastrians. "If you picture a loaf of bread," chortled Mr. Mike Muller, general manager of Waste Management of Lancaster, "he was in the middle of that loaf." On February 16, Miss Marla Maples's former publicist, Mr. Chuck Jones, was found guilty of breaking into her quarters and stealing certain of her undergarments and several pairs of shoes. Mr. Jones stunned a courtroom packed with many of New York City's most famous frotteurs and merkin collectors when he testified that he has acquired a "physical, sexual relationship" with Miss Maples's shoes. Witnesses who heard the testimony discount the theory that he made the statement in hopes of landing a high-level position in the Clinton administration.

• The United States Olympic Committee paid its respects to President Clinton's Dogpatch Presidency by sending Miss Tonya Harding to represent the Great Republic in the Winter Olympics. About the time she tripped into Lillehammer, her former husband, now under indictment for conspiring to kneecap her opponent Miss Nancy Kerrigan, sold the Fox Network lewd pictures of Miss Harding. They were snapped on her wedding night. One week after Mr. Michael Jackson settled a civil suit stemming from a 13-year-old boy's allegations of licentious sleep-overs with the Sinatra of the 1990s, police apprehended Mr. Pablo Delmonte, 33, whilst he defaced Mr. Jackson's star on the Hollywood Walk of Fame. Canadian alcoholics received a much-deserved boost when a Canadian arbitration panel rendered the finding that an employee of the Metro Toronto Housing Authority, referred to only as "E. Phillips," who had been absent from work owing to a hangover, is entitled to sick pay.

• On the New Pieties front, the headmistress of a London school refused to allow cut-rate tickets to the ballet *Romeo and Juliet* to be distributed to her students. Her complaint is that the ballet revolves around the superannuated theme of heterosexuality, which critics say has been the cause of two world wars, apartheid, poverty, and the rise of Rush Limbaugh. The teacher, the improbably named Miss Jane Brown, declined the tickets, saying that "until books, film and theater reflected all forms of sexuality, she would not be involving her pupils in heterosexual culture." In West Springfield, Massachusetts, members of the local chapter of Lesbian Avengers, Inc. are being threatened with criminal reprisals for handing out candy and Valentine's Day messages at a local grade school. The messages said, "Girls who love girls and women who love women are OK!!!" And an 800 number was included to "America's Wildest, Hottest Phone Sex Service." The American Civil Liberties Union has yet to act.

—RET



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Gentle Ben

Ben Stein's article, "Requiem for a Madam," in your January 1994 issue touched me deeply. We live a very confusing and morally tilted world these days, and it is refreshing to see someone point it out as honestly and clearly as Mr. Stein. He is a fine, fine writer.

—Ona Murdoch Hamilton
Merion, Pennsylvania

God and Man at Stanford

I'm rather honored to be among your "assorted jackasses," having perused your magazine (Current Wisdom, *TAS*, December 1993). Is it really my vapidity in the interview passage you quoted (specifically, the absence of an explicit acknowledgement of God) that galls, or is it the presence of attention to religious and other kinds of diversity that are part of Stanford, of my work, and of our society? (To reassure: We do call upon God regularly at Stanford, seeking the gift of wisdom for our institution and its people. Perhaps we should include a wider range of enterprises, certainly yours, in our future petitions.) God bless you.

—Robert C. Gregg
Dean of the Chapel
Stanford University
Stanford, California

Muslim Outreach

In your issue of December 1993, Mr. Edward Norden published an article titled "Allah in L.A.," of which he devoted a large segment to myself. I would like to forego some inaccuracies and amputated quotations that Mr. Norden reported, although I acknowledge his editorial artistry. What I am keen on being corrected to your readers is portraying me as an enemy of Christianity to the extent of describing it as an illness. I assure you that as a Muslim I fully respect Christianity and believe in it and in the true teachings of Jesus whom the Quran describes as the Spirit of God and His word that He bestowed on Mary. The illness comes when Christians fall short of the standards of Christianity, as manifested perhaps in the Crusades, the Inquisition, state-organized kidnapping and slavery, forced or pressured conversion, colonialism or genocide whether on the shores of America, Australia, Hitler's Germany, or currently in the former Yugoslavia. Christianity is a religion of love and peace, and it would be a better world if its followers lived it and abided by its noble message. As a person who devotes his life to building bridges between people, I feel such portrayal to be damaging to my mission and I request publishing this letter in your magazine.

—Hassan Hathout, M.D., Ph.D.
Outreach Office
Islamic Center of Southern California
Los Angeles, California

DIA: Dead on Arrival

In the December 1993 *American Spectator*, Michael Fumento reported in "Federico's Folly," his article on the Denver International Airport (DIA), that the entire Colorado delegation had lent its support to the proposed project.

It has been no secret that from day one I have been opposed to the construction of the airport. It is yet another example of a wasteful and unnecessary spending project that Colorado could easily have done without. Even with the anticipated March 1994 opening of DIA, I remain opposed to the airport.

It's a public works project, not a public necessity. Numerous cost overruns, lower passenger traffic estimates, and the instability of the airline industry lead me to believe the airport is destined to be a white elephant that will have to be bailed out by taxpayers and airline passengers.

Instead of building a separate 53-square mile facility some twenty-five miles east of downtown Denver, Stapleton International, just five miles outside the city, could easily have been expanded. But the thought of a larger, more modern airport was too good for the mayor and governor to pass up. While the construction project created a number of temporary jobs, in the end it's the taxpayers and the travelers who will bear the brunt of its high cost.

—Joel Hefley
Member of Congress
(Colorado–Fifth District)
Washington, D.C.

I enjoyed your thorough and well-documented treatment of the Denver International Airport matter. However, I would like to note one misstatement of fact. On page 48, Mr. Fumento noted:

> The state attorney general found in an investigation that MDC had sold the city 100 acres for the airport. *He* also found that "MDC Holdings and its officials committed numerous criminal violations."

Just for the record, Attorney General Norton is not male, but rather the first female attorney general in Colorado's history.

Also, I have enclosed a copy of a formal legal opinion this office rendered regarding a DIA matter not reported in the article. It concludes that a proposed plan to provide special tax treatment to United Airlines for establishing an aircraft maintenance facility at DIA violated the state constitution. The proposal was then rewritten, most notably by making it subject to annual appropriations. It was subsequently rejected by United, who located their new facility elsewhere. Attorney General Norton's adherence to the rule of law prevented an additional billion taxpayer dollars from being added to the DIA price tag.

I hope you find this information useful. Thank you for your continued contributions to informed public debate.

—Paul Farley
Deputy Attorney General
State of Colorado
Denver, Colorado

We'll Always Have Paris

After having my Yuletide considerably cheered by David Brock's scathing portrait of a profligate Clinton, I was made uneasy by David Brooks's position in his anti-France GATT article ("Never for GATT," *TAS*, January 1994).

While I admit that the French—arrogant, rude, isolationist, and chauvinistic—make an easy target for ridicule, I do not see the ascendance of American "culture," in the sense that it exists today, as a positive thing for Europe or Asia. Today's American culture has no place for Aaron Copland, Leonard Bernstein, Duke Ellington, Charles Mingus, Ernest Hemingway, Tom Wolfe, Andrew Wyeth, John Huston, or Ayn Rand; it consists, rather, of Guns 'N' Roses, Madonna, 2 Live Crew, Michael Jackson, Toni Morrison, Joan

(continued on page 77)

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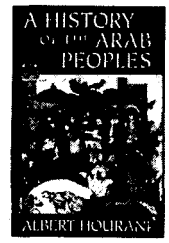

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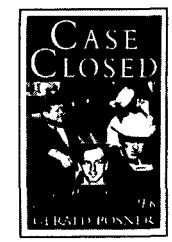

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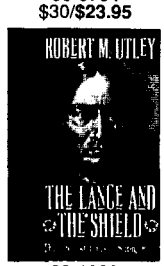

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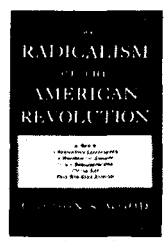

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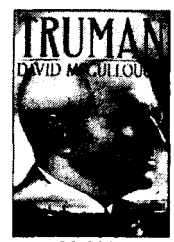

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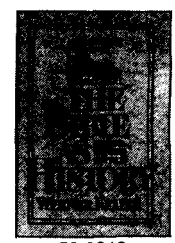
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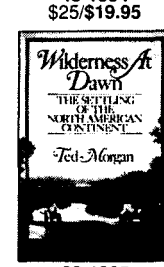

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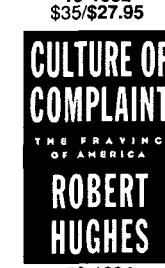

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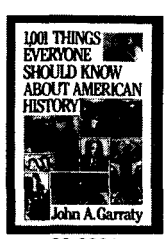

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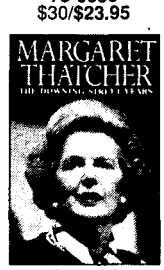

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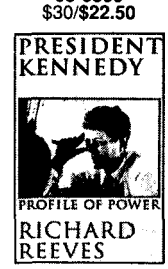

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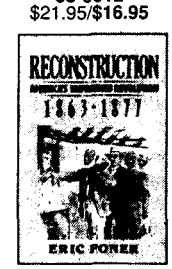

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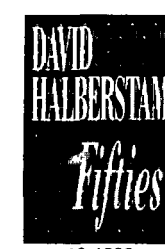

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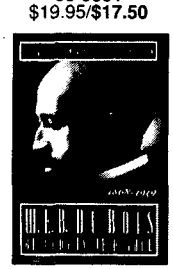

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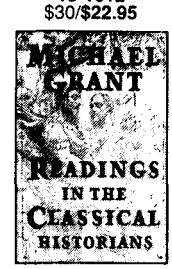

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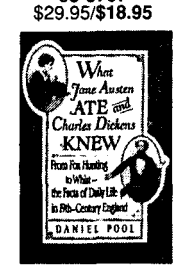

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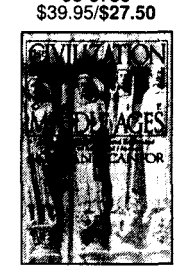

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Mrs. Jones

by R. Emmett Tyrrell, Jr.

Could Paula Corbin Jones be this year's Anita Hill? The other day in this famous city, Mrs. Jones and her lawyer, Daniel M. Traylor, publicly asserted that on May 8, 1991, she was the object of an indecent sexual proposal in Little Rock's Excelsior Hotel. She and her lawyer brought with them more corroborating testimony than Anita Hill ever adduced. They had two signed affidavits, whereas Hill had none, and they could point to the published testimony of an Arkansas trooper who, it seems, was an accessory to the meeting. Certainly the charges brought by Mrs. Jones are as offensive as those brought by Miss Hill. And, unlike Clarence Thomas, Mrs. Jones's alleged harasser has an increasingly cluttered history of similar allegations. His name, as you might have guessed, is Bill Clinton.

Late last year, when Arkansas state troopers began coming forward to testify that they had witnessed and assisted Governor (and later President-elect) Clinton's frequent sexual trysts, there was what passed for an invincible refutation issuing from the White House's bought journalists and, I suppose, from those blessed journalists who have been shielded from the squalid ways of the world. The refutation was that none of Mr. Clinton's sexual partners had come forward to corroborate the troopers' stories.

This, of course, was false. Gennifer Flowers had come forward with tapes of her remarkable confidential chats with then-Governor Clinton. More recently, Sally Perdue has come forward with corroboration of the troopers' stories. Now Mrs. Jones has stepped out to identify herself as the "Paula" mentioned by trooper Danny Ferguson. She adds that Mr. Clinton harassed her. Well, where is the press? Most major media have ignored her. In Britain, the sexual misbehavior of members of parliament has made front-page headlines for weeks. Here a charge of sexual harassment more fully documented than Anita Hill's has been mentioned only in the incomparable *New York Post,* the illustrious *Washington Times,* and the stalwart *Los Angeles Times.* Reuters and the AP carried the story, while the *New York Times* buried it. ABC also mentioned the story. Otherwise the press sleeps.

According to Mrs. Jones, on May 8, 1991, she was employed by the Arkansas Industrial Development Commission and working as a hostess during the Arkansas Quality Management Governors' Conference in the Excelsior. Trooper Ferguson notified her that the governor would like to see her in his hotel room. He escorted her to the room and waited in the hallway. It all jibes with his earlier report to *The American Spectator* and the *Los Angeles Times.*

Now comes a new and troubling facet to the story that ought to have aroused the alarm of all true-blue feminists. Once alone with Mrs. Jones (she was unmarried, though engaged), Governor Clinton allegedly implied his authority over her and mentioned that he knew her boss. Mrs. Jones claims that the governor grabbed her, ran his hand up her leg, exposed himself, and asked her to perform oral sex. She refused and left the room. Trooper Ferguson on several subsequent occasions told her that the governor wanted to see her. Before her ordeal ended, Mrs. Jones claims Governor Clinton accosted her in a hallway and hugged her. All and all, it was a dreadful experience. Just that last hug would have been too much for me.

The White House, speaking through its visibly aging spokeswoman, Dee Dee Myers, responds, "It's just not true." Well, what is not true? We have Trooper Ferguson's independently published account and now Mrs. Jones's statement that she

Adapted from RET's weekly Washington Times *column syndicated by Creators Syndicate.*

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was invited to Mr. Clinton's room. Immediately after the encounter, she informed two friends, Pamela Blackard and Debra Ballentine, who have signed affidavits supporting Mrs. Jones's story. That there was an encounter in the room sounds true to me. As to the nature of that encounter, I shall have to take the president's side. As I said of Miss Hill's uncorroborated charges against Justice Thomas, we shall have dealt a brutal blow to our system of justice if we allow one individual's uncorroborated charges against another person to carry the day.

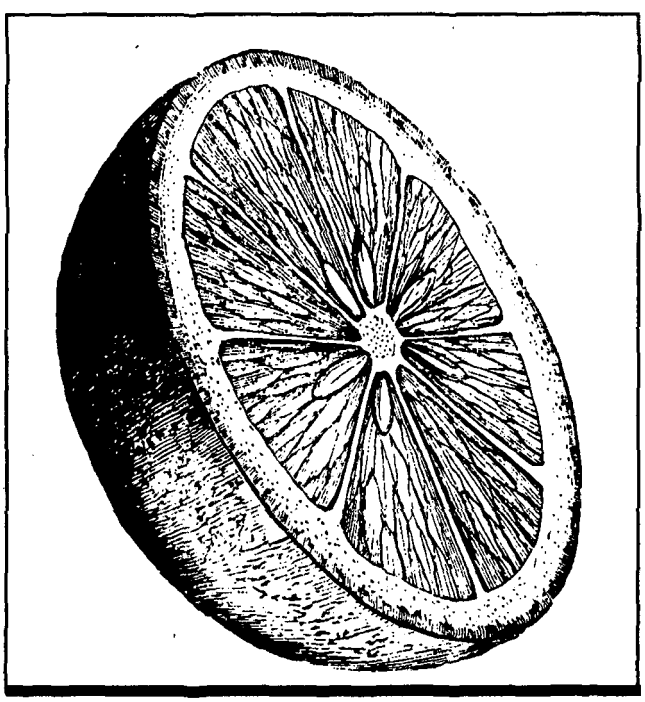
For now, Mrs. Jones's lawyer, Mr. Traylor, is demanding an apology from the president because of Mrs. Jones's "humiliation and lasting emotional distress." If the apology is not forthcoming, the lawyer hints that a sexual harassment suit might be. Certainly, with all the affidavits and independent testimony Mr. Traylor has available, he can begin the harassment suit at any time. Then will major media look into this case? And how long will the Republic's bought journalists rely on the false claim that no women have come forward to support the troopers' charges? Mrs. Jones has, and she brings with her charges of harassment. ❐

Agent Orange

The name Rush Limbaugh has become controversial in some august quarters of the Republic. One might well wonder why. He has the largest radio talk-show audience in American history, and by a lot. He has published two best-sellers. He has a nightly television show whose ratings compete in some markets with such esteemed American institutions as the "Tonight" show. Well, the immediate source of controversy is that something called the Florida Citrus Commission has bought a million dollars of commercial time on Limbaugh's radio show. It is part of the Commission's $17 million promotional budget. Larry King gets $500,000, but his show is much smaller than Limbaugh's.

Mr. King seems to have no critics, aside from that handful of us who reproach him for the vulgarity of his language and the coarseness of his thought. Limbaugh, despite his huge popularity, has many critics, and they go beyond criticizing his style to abominating his substance. They want the Citrus Commission to withdraw its ads. They are threatening a boycott. Some years ago, when Vietnam veterans threatened to boycott Jane Fonda's movies, liberals were shocked by the intolerance. Today there are few liberals coming to Limbaugh's defense, but then today there are really very few liberals left.

Liberalism has become a sham. Once it was a political point of view favoring tolerance, free expression, equality, and a sunny view of mankind's nature. Today it has broken down into vested interests, frequently contradictory and all dominated by charlatans: career feminists, career environmentalists, career homosexuals, and so forth. These are people who would be out of work if they could not con their credulous followers into joining them in some fanciful complaint: an insufficient number of ladies' rooms at the ballpark, a schoolgirl being barred from the high school sumo wrestling team, or mistreatment of a favored swamp. Protest has become an American way of life, but only one kind of protest is socially acceptable by those who decide such things.



Those who decide such things are of course the sham liberals. Now they are in a fury over Limbaugh. He disagrees with them on just about everything. America's sham liberals are made uneasy by those who disagree with them. Perhaps this is because they recognize how easily their essential phoniness might be exposed if there were in our media and in our wider culture a balance of forces.

Well, Limbaugh's success suggests that a balance in our media may be on the way. The huge audience that tunes in to Limbaugh is subscribing to conservative magazines in such numbers that those magazines are now the largest ideological reviews in the country. *National Review* and *The American Spectator* each have well over one hundred thousand more subscribers than their nearest competitors on the left. Surely the media titans who run newspapers and broadcast media must recognize that there is a large population of Americans yearning for Limbaugh's conservatism. In Germany, Italy, France, and the United Kingdom there is a two-party media. Only here does sham liberalism operate a cultural monopoly. That cannot last.

Whether the fabulous Florida Citrus Commission will continue to advertise its product in the country's largest talk-show market I cannot say. Certainly Limbaugh's twenty million are not likely to take the Commission's abandonment meekly. From all I can tell they believe that their political opinions are worthy of respect. And they are. These are, for the most part, the members of the American middle class. They pay taxes, abide by the law, and have no particular axe to grind. It is just that they disagree with all the career malcontents of illiberal liberalism. The true zealots and voices of hate in the land are those who would ban advertisers from the Rush Limbaugh show, or from any other show. ❐

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SEXUAL HARASSMENT AND ACADEMIC FREEDOM

A Statement of the National Association of Scholars

Sexual harassment is always contemptible. Because it also subverts education, it is particularly damaging in an academic setting.

The **National Association of Scholars** believes that college and university authorities should respond to instances of sexual harassment promptly and firmly. Tenure does not protect faculty members found guilty of coercing sexual favors. Nor is academic freedom an impediment to the effective enforcement of prohibitions against lesser forms of harassment, such as inappropriate touching, that also exploit individuals and undermine the educational process. Such behavior constitutes a serious violation of an educator's responsibilities and is morally wrong. It cannot be tolerated.

However, academic freedom and the rights of individuals can be—and have been—violated by misguided efforts to combat sexual harassment. Too many institutions have adopted vague definitions of harassment that may all too easily be applied to attitudes or even to a scholar's professional views. Not surprisingly, a chill has descended on academic discussions of sensitive but legitimate topics, such as human sexuality, sex differences, and sexual roles. Worse, procedures have been widely adopted that violate the canons of due process. In a number of cases, the reputations and careers of innocent persons have been severely damaged as a result of unwarranted actions taken by college and university authorities.

Specifically:

- The criteria for identifying "harassment" are often nebulous, allowing for expansive interpretations of its meaning. For example, at one major public university, the official definition stated that "Sexual harassment can be as blatant as a rape or as subtle as a look. Harassment...often consists of a callous insensitivity to the experience of women"; in another official publication the university further advised that sexual harassment "is broadly defined to include behavior that may not be considered overtly sexual." Language like this can only breed confusion, resentment, and injustice.
- When definitions of sexual harassment are expanded to include opinions and attitudes, academic freedom is violated. Such definitions have already significantly inhibited discussion inside and outside the classroom. Ambiguous phrases like "callous insensitivity to the experience of women" have inspired complaints against professors accused of slighting gender-based literary analysis, or who have discussed theories and findings, such as Freud's, that run counter to the prevailing consensus about sexual differences.
- Some definitions of sexual harassment embrace a wholly subjective test of its occurrence—for example, the complainant having been made to "feel uncomfortable." Proof relies not on the objective behavior of the alleged harasser but on how one person perceived that behavior.
- Charges of sexual harassment are sometimes entertained long after the alleged offense, when the memories of the parties have faded, their motives have altered, and evidence has been lost.
- Mid-level administrators with meager academic experience but a strong commitment to fashionable causes are frequently accorded a major role in drawing up harassment regulations, interpreting them, counseling complainants, investigating charges, administering hearings, and determining guilt and penalties. Sometimes one and the same person performs all of these functions and, in addition, encourages students and others to make harassment charges. This leads to violations of academic due process.
- Investigations of alleged sexual harassment can provide a pretext for engaging in the ideological persecution of persons whose views are out of favor. When amorphous harassment regulations are enforced over-zealously, they encourage frivolous or self-serving charges from discontented or vindictive individuals.
- Collective penalties have been imposed on entire academic departments and groups of students for the actions, not always proven, of a few individuals. At one prestigious private university, every student, faculty member, and staff member was ordered to attend a three-hour seminar on sexual harassment because a federal agency found fault with the university's judgment in a case involving a single alleged harasser. It need hardly be said that finding persons guilty by association, or making a whole category responsible for actions only committed by one or a few, violates the principle of individual responsibility basic to our society. It is likely to arouse resistance against efforts to combat genuine sexual harassment.
- Some of the sanctions now in force aim at thought reform, frequently through compulsory "sensitivity training" programs. These programs often operate to humiliate those suspected of holding "incorrect views." They also frequently suggest that being white, male, or heterosexual constitutes a presumption of guilt. When *required* for faculty or students, these programs constitute an assault on individual dignity and freedom.

What we are witnessing, in short, is the transformation of a clear behavioral offense into a ubiquitous "thought crime" and the substitution of psychological manipulation for rational discussion. The resulting confusion of genuine harassment with less serious acts, and even with beliefs, brings anti-harassment policy into needless conflict with academic freedom. This confusion is bound to diminish the opprobrium that rightly attaches to sexual harassment. In the interest of protecting students and staff from genuine harassment and of preserving academic freedom, the NAS urges institutions of higher education to:

- define sexual harassment precisely, confining it to individual behavior that is manifestly sexual and that clearly violates the rights of others
- set a reasonable statute of limitations on bringing sexual harassment charges
- separate the offices of investigator, prosecutor, judge, and jury; observe the requirements of due process; and ensure the right of the accused to make an adequate defense
- punish those who knowingly lodge false accusations of harassment, and
- act against proven harassers forcefully, by dismissal if necessary, instead of coercing opinions and restricting speech

Anything less fails to protect students, faculty, and staff from sexual harassment. Anything more threatens individual freedoms and, most conspicuously, academic freedom.

For additional information about the NAS and its activities, including its research center, speakers bureau, search service, newsletter, state and regional affiliates, conferences, local events, and the quarterly *Academic Questions*, write to the **National Association of Scholars, 575 Ewing Street, Princeton, New Jersey 08540**, or call **609-683-7878**.

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The Tony Awards

by Tom Bethell

A little noted benefit of liberalism is the privilege of accusation. Without evidence, liberals can impugn the motives of adversaries and dish out accusations of greed and evil whenever they want. It's all too reminiscent of the McCarthy era, a time (you may recall) when Joe McCarthy felt free to accuse people of guilt by association with Communism, without supporting evidence. Today, liberals are free to accuse opponents of acting in bad faith, or with malign motivation, without benefit of interviews or confessions.

Perhaps more than anyone in the press, the *New York Times* columnist Anthony Lewis is free and easy with such accusations. In particular, he has shown a growing tendency to accuse his political adversaries of hate. You would think he might feel obliged to produce evidence for so grave a charge. But, McCarthy-style, he usually doesn't. He just assumes the worst and goes venomously on the attack. Because he's on the left, no one calls him on it. No conservative would dare make such scurrilous accusations without evidence, even if he felt so inclined. It's another inconspicuous sign of our times.

Lewis's column, "Abroad at Home," has come out twice a week on the op-ed page of the *New York Times* since that page was created in the fall of 1970. He had already been a columnist for the paper for about a year, so he has been in the column business for a quarter of a century now. He will be 67 in March.

As far as I have been able to determine, Lewis first used the hate weapon in May 1974, against (you guessed it) Richard M. Nixon, whose Oval Office tapes, Lewis thought, revealed "only fear, hatred, contempt for others." Nixon had "no discernible commitment to any moral principle," he added. "What is special about him is his utter detachment from the norms of morality." After Nixon resigned, Lewis gave thanks. Nixon had been "that rarity in high office: genuine evil."

Lewis has avoided the mistake of apologizing for the Soviets, but he seems to have been driven by the millennial expectation that somewhere in the world—in Cambodia, perhaps, or Nicaragua, or southern Africa—a New Society would emerge, vaguely collectivist and filled with hope and social justice. But this would come to pass only if American right-wingers could be discouraged from their wicked designs. Inevitably, they would try to stamp out such a brave new society. So they would have to be anathematized—specifically with accusations of hate. That has been Lewis's enduring worldview and strategy.

Recently, he has taken to writing furious columns calling for intervention in Bosnia, perhaps a surprise to those who recall his past antagonism to foreign intervention by the U.S. The explanation may once again be frustrated utopianism. In the past, he has seen Americans abroad as impediments to a bright new socialism. Perhaps the New World Order offered him Real New Hope.

In 1985 he thought that funding the contras in Nicaragua was "a policy of fighting devils," and "can bring only more hate." A week later he thought that President Reagan's anti-Sandinista rhetoric "rings with hate." For example? Well, Reagan had said "the Sandinistas are infinitely worse" than Somoza. And this: the Sandinista government "is a Communist dictatorship." By 1986 Lewis thought that Reagan was "obsessed" with Nicaragua, and "in his frustration he spews out rage and hate, fear and falsehood." That column was entitled "By Hate Possessed." Any evidence this time? Well, you see, anti-Communism was a "crusade" for Reagan, and he had said at one point that the Sandinistas were "deeply involved in drug trafficking." (The Hudson Institute's Elliott Abrams responds: "They certainly were involved. The only question is how deep.")

In the fall of 1986, Lewis spent an evening with California Chief Justice Rose Bird, whom voters were seeking to remove, along with two other justices. But Bird was "the main target of hate." Again, notice that in (successfully) seeking the removal of judges who were soft on crime, the right was playing offense for once. Ergo, they were guilty of hate. The following May, when foreign-service veteran Melissa Wells was named ambassador to Mozambique, Jesse Helms put the nomination on hold: "The right," Lewis noted, had "found a focus for its hate."

David Duke running for office in 1991 made an easy target ("It Can Happen Here"). Lewis quoted, but ungraciously rejected, Duke's "regret over the intolerant things I've said." "If the politics of hatred is going to take power in America," Lewis said, it will come not from rabble rousers "but with professions of Christian redemption." Damned if you do, damned if you don't.

Distressed by George Bush's mild response to his primary challenger in 1992, Lewis suggested the presidential speech he would give, to deal with "the Buchanan phenomenon." It went like this: "Ladies and gentlemen, four years ago I promised to work for a kinder, gentler nation. That goal is threatened today by a political attack that seeks to divide Americans by race and class and origin,

Tom Bethell is The American Spectator*'s Washington correspondent.*

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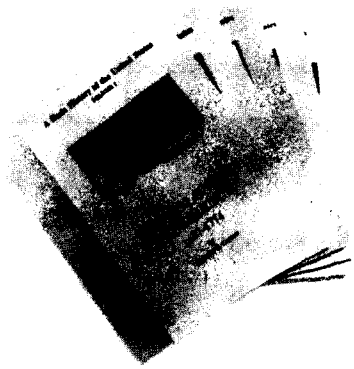

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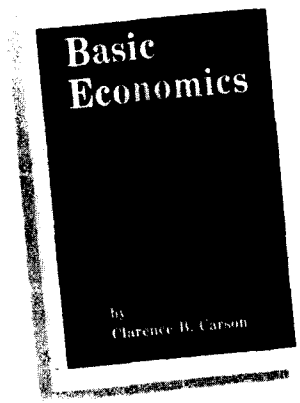

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that asks us to hate people of different colors and different ideas."

In his column on the Simi Valley acquittals of the Rodney King defendants ("A Lost Country"), Lewis's admiration for due process disappeared from view. "Racism is what happened," he divined. "That is where we are in this country: fear begetting fear, hate hate, revenge revenge." Tony Tony.

His first column about the 1992 GOP national convention was headlined "Merchants of Hate." Lewis detected "sleaze," "slime," "meanness," and "intolerance," fomented of course by the "hard right." Not for the first time, Lewis recalled the dreaded one: Joe McCarthy. Any supporting evidence this time? "Probably nastiest of all were the references to Mrs. Clinton," he wrote. Literature sold in the hall outside the arena had called Mrs. Clinton a "feminazi"!

Two weeks later Lewis was still incensed. He thought the kinder, gentler Bush had been sincere. "What we have instead is a politics of hate, exemplified by speakers the Bush people chose to feature at the Republican Convention." But what was actually said? Lewis offered an old Pat Robertson quote deriding feminism, but nothing actually spoken from the podium.

A week later, Lewis was still seething over Pat Robertson. It had been "scary" enough when Dan Quayle denounced the "cultural elite." But Pat Robertson was a "professional hater," a "hatemonger." (Lewis backed this up by saying that Robertson had once written that feminists want women to "kill their children" and to "practice witchcraft.") The following week he again denounced the "general tone of hate" at Houston, but without supporting quotes. For once he took note of his own omission. For "political" reasons, he explained, some of the "most strident messages from the convention were toned down." Shortly before the election Lewis wrote one of his most foam-specked columns. Earlier he had attacked "Pork Rind George, Knee Fighter," and now he added: "More than any incumbent President in memory he has been a candidate without shame. Lies, hate, vulgarity. Nothing has been too shameful for George Bush." He added: "The foul words and falsehoods that have spewed from Mr. Bush in the last days of the campaign have shown us a man in a frenzy," and have "degraded the most important office in the country." In fact, they have made "the Presidency a symbol of hate . . ."

George Bush? Hate? We know he had his political shortcomings, but *that*? The evidence this time? Well, if you'll recall, Bush had recently referred to Bill Clinton and Al Gore as "those two bozos." He even went so far as to call Gore "ozone man." Then, a little while later, he called him just plain "ozone." Al Gore, author of *Earth in the Balance: Ozone!* That's all Lewis needed to justify his vituperation.

With President Clinton in the White House, there came the $200 haircut on the LAX runway, and subsequent press criticism. "It is a savage world for presidents these days, as those of us who criticize them ought to recognize," Lewis wrote. "The press is ravenous, ready to see scandal in a speck of dust. Its self-importance passes belief. . . . The talk show hosts are out there, spewing ignorance and hate." (Give us an example, Tony, just one.)

"If you wonder how low the politics and hate and revenge can get in Washington," Lewis wrote in November, "listen to this story." It was about Janet Napolitano, nominated by Clinton to be U.S. attorney for Arizona, and earlier a lawyer for Anita Hill. In an article in these pages last October, David Brock raised the possibility that Napolitano had improperly coached a witness to testify more credibly at the Clarence Thomas hearings. "In attacking Ms. Napolitano, David Brock has abandoned the pretense that he is an impartial investigative reporter," Lewis wrote. "He is a hatchet man of the far-out right." His column had a familiar headline: "Merchants of Hate."

Then came Troopergate, published by "a right-wing magazine devoted to cackling attacks on Democrats and liberals." (You hold it in your hands.) The author of this story, David Brock, "has made himself the chief manure-spreader for the extreme right," Lewis wrote. And the man who had accused Nixon, Reagan, and Bush of hate found questions about Clinton's character to be "tired." So why were they being raised at all? Lewis hissed his familiar refrain: "Only someone driven by hate would make the president's most intimate life the test."

Lewis has told the story of how his father, a businessman, came home one day stunned because someone at work had casually made a promise and not kept it. Kassel Lewis was so dismayed that he phoned the man, who nonchalantly admitted: "So I lied." It bewildered Lewis's father that someone could be so shameless. But one can't help wondering whether Kassel Lewis might not have been similarly dismayed by some of his son's recent columns. ❐

ALAN MURRAY WINS AWARD

Alan Murray, Washington bureau chief of the *Wall Street Journal*, won a special Press Corps Award the other day for his widely reprinted criticism of Troopergate: "It's two troopers who are trying to get a book deal." On the same day (Dec. 20), the *Wall Street Journal* published on its front page a thinly disguised editorial headlined "As Cynicism Becomes An Industry, Distrust of Washington Grows." It was written by two reporters from Murray's Washington stable.

In making so cynical a remark and accusing the nation of cynicism on the same day, Murray had made a breakthrough and deserved a prize, it was felt. The award was made by his bureau-chief predecessor, Albert R. Hunt, in a brief ceremony in the John Peter Zenger Room of the Washington Press Club.

Some feel that journalists' real complaint is that Middle America is not cynical enough about marriage vows and might take the troopers' allegations seriously. Richard Harwood was banned from the award ceremony for saying in his New Year's Day column in the *Washington Post* that the *New York Times*'s reluctance to publish Troopergate stories "was a logical outgrowth of the standards of marital fidelity that have been observed by Timesmen and Timeswomen since the paper's purchase by Adolph Ochs a century ago."

—*T.B.*

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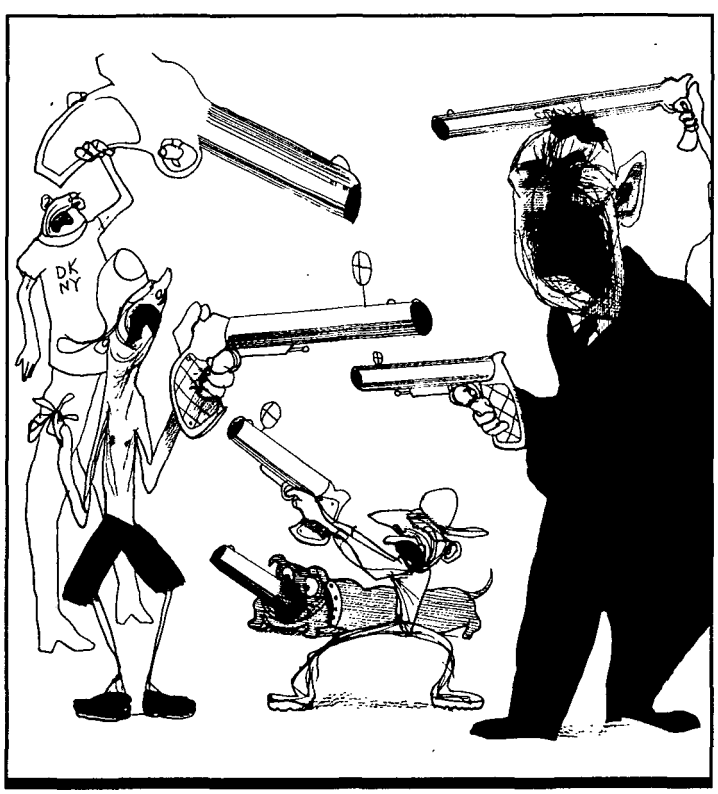
Three Strikes and You're Dead

The anti-crime proposal now winning praise from both parties is little more than a gimmick that will increase the incentive to murder.

by William Tucker

5 Young Robbers Took the Cash, Then Killed Anyway, Police Say
—*New York Times* headline, February 3, 1994



Imagine that five years from now you're walking down a dark street and somebody points a gun in your face, announcing a stick-up. Unknown to you, the possessor of the gun is a "two-time loser"—a career criminal who already has two violent felony convictions on his record.

As you fumble for your wallet, you have a sudden realization. The man with the gun is someone you saw on a bus just a few days ago. You even remember the stop where he got off. You try to keep this recognition out of your face, but suddenly the man senses it. He remembers, too. He knows your face, you know his face. It's going to be a simple matter for you to identify him to the police.

Under the "three-strikes-and-you're-out" reform recently adopted by the state legislature, the man with the gun now has the following options: (1) he can take your money and run, knowing your testimony to the police will bring him life in prison; or (2) he can blow your head off and eliminate the principal witness to his crime. The penalty for that: also life in prison.

How much do you think your life would be worth at that moment?

"Three strikes and you're out" is the latest fad in the anti-crime debate. Get three violent crimes on your record, and you go to jail for life, with no chance of parole. The idea grows out of the basic perception that about 70 percent of all violent crime is committed by only a handful of "hard-core" criminals. Lock these people up—so the theory

William Tucker is TAS*'s New York correspondent.*

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goes—and throw away the key, and the streets will be safe again.

The state of Washington adopted such a law by public referendum in 1990. Both New York's Governor Mario Cuomo and California's Governor Pete Wilson have hopped on board. In a cover story, *Time* reported that 81 percent of the public wants the reform. The *Wall Street Journal* has written favorable editorials. President Clinton received the loudest ovation from both sides of the aisle for proposing it during his State of the Union Address. In a field which, like public education, is beginning to be dominated by fads, "three strikes" is the idea of the year.

Unfortunately, it isn't going to work. In fact, the predictable result will be that more and more violent crimes will escalate into murders. That's because Americans, liberal and conservative alike, haven't yet grasped what it means to live without the ultimate punishment itself: the death penalty.

Until 1960, capital punishment was practiced routinely in the United States. Anyone who killed someone lived with the reasonable expectation that he might forfeit his own life in return. Phrases such as "hanging for it" and "going to the chair" were part of the language. In retrospect, the era is remembered as a period of wanton slaughter. In truth, between 1930 to 1950, the number of executions per year ranged between 117 and 199—about three or four for each state. Since murders numbered between 5,000 and 7,000 per year, the likelihood of execution for murder was about 1 in 25. (With 24,000 murders in 1992 and 38 executions, the expectation is now 1 in 625.)

Equally important in that era was the swiftness and certainty of capital punishment. The spectacle of the condemned killer mocking the state year after year with legal chicanery did not exist. On February 15, 1933, Giuseppe Zangara, an anarchist, attempted to assassinate President-elect Franklin Roosevelt and fatally shot the mayor of Chicago instead. Zangara had been tried and executed before Roosevelt took the oath of office on March 21. (By contrast, James Earl Ray tied up Congress with his protestations of innocence fifteen years after the assassination of Martin Luther King, and Sirhan Sirhan comes up for parole in California every two years.)

During the 1950s, the rate of execution did taper off. The number fell below 100 in 1950, below 50 in 1958. Ideological opposition mounted and, under the Warren Court, appeals became vastly more complicated. Charles Starkweather, who killed thirteen people, was executed in Nebraska in 1959. Richard Speck, who killed eight nursing students in 1966, died in jail. In 1964, the number of executions dwindled to fifteen, and after 1966 they stopped altogether. The Supreme Court outlawed all remaining capital-punishment laws in *Furman* v. *Georgia* (1972).

What happened to murder rates after executions all but ended in the early 1960s? Although records are incomplete (the FBI's Uniform Crime Reports didn't become uniform until 1958), what evidence exists suggests that murder rates dropped steadily from 1935 to 1960. The incidence of decline held for blacks, too—despite a vast migration from the rural South to the cities, where crime rates are always higher. America was becoming less violent. Anyone peering into the future in 1963 would have predicted that peace and prosperity were making us into a far more civilized society.

Instead, in 1964, the trend abruptly reversed. From a low of 4.6 per 100,000 in 1963, the murder rate climbed 10 percent per year in 1966 and 1967, eventually peaking at 10.2 per 100,000 in 1980. The early 1980s saw some tapering off, but rates rose again after 1987, reaching 9.8 per 100,000 in 1991.

To the naked eye, it would seem as if the loss of the death penalty had something (if not everything) to do with this historic reversal. The public is certainly convinced that it did. From the historical low point of 1966—the only year in which a plurality of respondents to the Gallup Poll opposed the death penalty—support has risen steadily to 76 percent in 1993 (down from a peak of 79 percent in 1988).

Americans haven't yet grasped what it means to live without the death penalty.

As a result, thirty-seven states have now adopted capital punishment for at least some type of murder. Generally, statutes impose the death penalty for the following crimes: (1) premeditated murder, (2) felony murder (murder committed during the course of another crime), (3) murder-for-hire, (4) murder with torture, (5) multiple murder, or (6) terrorist murder. (Some states also specify murder of a policeman or prison guard.)

Such explicit definitions represent an enormous improvement over the old haphazard system in which—as the Supreme Court rightly observed in *Furman* (1972)—the chances of receiving the death penalty in the U.S. were as arbitrary as "being struck by lightning." As late as the 1950s, Louisiana and Mississippi had mobile electric chairs that rumbled from one county jail to the next, executing people for who-knows-what. At the time of *Furman*, North Carolina was still executing people for burglary. Furman himself was to be executed for rape. Another problem was that in many states the death penalty for certain crimes was mandatory. This led to guessing games between a jury and the prosecutor, in which a jury would acquit someone it believed to be guilty because the members didn't believe the death penalty was justified.

These confusions have now been resolved in a legislative effort that has made the procedures surrounding the death penalty as reasonable and fair as can be expected. In every state, the jury first returns its verdict of guilt or innocence. Only after guilt has been established does the proceeding enter the "penalty phase." At this point, either the judge or

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the jury decides whether capital punishment should be imposed, usually after hearing testimony from both the defendant and members of the victim's family.

Yet even this procedure does not pass muster with the judicial and law-school elites that oppose the death penalty on purely ideological grounds. (One-third of the opponents of the death penalty say they wouldn't support it even if it could be shown to deter murder.) Litigation groups drag appeals on endlessly—often at public expense. Opponents delay and delay, hoping that one day the Supreme Court will tire of the whole process and once again declare it "cruel and unusual" that 2,600 convicts have been kept waiting so long on Death Row.

The possibilities for sophistry are endless. Between 1979 and 1987, California Supreme Court under Chief Justice Rose Bird overturned thirty-seven out of forty death sentences on purely technical grounds. In one case, where an armed robber had shot and killed a Brink's guard, the court said the verdict was improper because the jury had failed to consider whether the robber was only shooting the guard to "immobilize" him. In another case, an ex-convict sought out and killed three people in a grocery store, one of whom was the principal witness in a prison friend's robbery conviction. The ex-con, who had received a hundred dollar payment from the prison friend's son, killed his victims execution-style. Even so, the Bird court found no "intent to kill." Voters threw out the Bird court en masse in a 1987 election and installed a new majority that is not ideologically opposed to capital punishment. Yet California still has carried out only one execution among its 328 murderers on Death Row.

Other states are in the same bind. With 24,000 murders each year nationwide, the justice system still can't seem to find anybody who is guilty of anything. There are other ramifications, however, that are equally damaging. The justice system is what you might call an "ecology." In any such complex system—as the environmentalists love to tell us—it is impossible to change one thing without altering everything else as well.

One of the oldest truisms of justice is that the punishment should fit the crime. Penalties must be neither too harsh nor too soft. But it is equally important that clear and recognizable differentials be maintained in the penalties for qualitatively different levels of crime. If burglarizing a house carries a penalty of three years in jail, then burglarizing and burning the house down to destroy the evidence must carry a considerably stricter penalty. Otherwise, there will be an incentive for burglars to up the ante to improve their chances of escape.

Murder is generally considered the ultimate crime. Other violent crimes may leave a person scarred for life, but murder ends life. For that reason, it is necessary to have a qualitatively different form of punishment available. For most of history, this has been the death penalty.

Once the death penalty is abandoned, however, everything else must change. Because the top charge has been lowered, the punishment for all other crimes must be lowered as well. When first-degree murder (killing with a motive) was punishable by death, it was possible to mete out 20-years-to-life sentences for second-degree ("impulsive") killings. Robbery and rape could be punished by 10-to-15-year sentences, burglary and assault by 5 years, and so on. Now all that is different. If a planned, premeditated murder is only worth 25-years-to-life, then unplanned murders can only be worth 10-to-15. Rape and robbery must be lowered to 5-to-7, burglaries to 1-to-2 years, and so on down the line.

Holding them at gunpoint, he assured the two youths over and over, "I'm not going to hurt you." In fact, he probably didn't mean *to hurt them. But once the crime begins, a fearful logic is set in motion.*

Today, as everyone knows, sentencing in the American justice system is an elaborate ruse to fool the public into the impression that long terms are being handed out, while in fact actual prison time is relatively short. Right now, the average convicted murderer in the U.S. serves eleven years in prison. Rape gets five years, robbery less than four, assault or burglary two, drug trafficking less than two, and auto theft is free.

Weak as these sentences may be, it still might be argued that they retain something of a differential between rape and robbery, on the one hand, and murder on the other. If you rape a woman, you get five years. If you slit her throat to keep her from talking, you double your jail time. Not much to discourage a hardened criminal, perhaps, but enough to give a first-time offender pause. What is going to happen, though, when we decide to "get tough" and start raising sentences for *non*-murders? The only outcome will be to blur, once again, the distinction between "violent crime" and homicide.

Women's groups, for example, have argued in recent years that rape is in many ways worse than death—a crime that leaves a woman scarred for life. Armed with these perceptions, they have pushed legislation to raise the penalty for rape to as high as twenty years. But the statutory penalty for murder in nearly every state is also twenty years—and in reality is only half that. What does that say to a rapist? "Kill your victim. She is the principal witness to the crime. If she identifies you, you will get twenty years in jail. If you kill her, you get the same twenty years. What's the difference? Dead women tell no tales."

The same logic will be even more compelling under "three-strikes and you're out." As a criminal's violent record grows, he will be less and less amenable to the idea of getting caught. Facing life in jail for a third felony, he

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A Great Gift Idea!

WASHINGTON, December 23—My first run-in with Adm. Bobby Ray Inman came after I praised him in a 1980 column. As America's chief eavesdropper, he had overheard a suspicious call by President Carter's brother, Billy, to the Libyan Embassy, and properly brought the wiretap to the Attorney General for criminal investigation.

But praise from me brought him glares from the White House, and Admiral Inman — recorders whirring — called me to denounce "irreparable harm you have done by revealing our sources and methods." It was hard to believe that the Libyans did not know that all embassy phone lines were routinely tapped, but I respectfully asked if he would entertain one question.

ICILY, THE ADMIRAL informed me he never talked to the press, but what was it I wanted to know? I asked him how a grown man could go through life calling himself "Bobby"; he slammed down the phone.

Downhill from there. As Barry Goldwater's man at the C.I.A., he became convinced that Bill Casey and I were conspiring to block his advancement. This was because I reported that Inman, in a not-for-attribution

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will be ready to kill anybody and anything in order to avoid apprehension. Granted, the police often faced this dilemma in trying to apprehend a murderer facing a certain death sentence. In the old days, many a killer vowed he would "never be taken alive." But the police, at least, are *prepared* for such confrontations. (As a result, killers often surrendered at newspaper offices in order to avoid shoot-outs.) Under "three strikes and you're out," however, these risks will be imposed upon the general public.

There is a terrifying, inexorable logic to all this—one that criminals themselves often do not recognize until it is too late. Last January, for example, a 22-year-old black pre-med student from the Bronx allegedly drove to a shopping mall in suburban Rockland County and hijacked a jeep from two local teenagers. Holding them at gunpoint, he assured the two youths over and over, "I'm not going to hurt you." In fact, he probably didn't *mean* to hurt them. But once the crime begins, a fearful logic is set in motion. "These people know me," the criminal says to himself. "They've seen my face. Unless I do something, they'll go to the police and identify me."

So instead, the pre-med student tied up the two youths and drove them to a secluded woods. But even that wasn't good enough. Eventually, they would get away and describe him to the police. How do you wipe a face from someone's memory?

So the student put his gun to their heads and shot both. One youth died instantly. The other jerked his head and suffered a non-fatal wound. Left for dead, he quickly made it to a nearby house and called the police. The pre-med student was nabbed a half-hour later on the Bronx River Parkway. The youth who survived the shooting will be the principal witness at his trial.

Did this 22-year-old novice *want* to kill his victims? Almost certainly not. But without the specter of a death penalty, there is nothing to stand between apprehension and impulse. Would an experienced criminal have done things differently? Most likely. He would have shot the kid a second time just to make sure. The cops would probably still be looking for him.

John Coughlin, a retired detective with the New York City Police Department, remembers a time when things were different. As a rookie patrolman in the 1950s, he and his partners spent day after day protecting store owners along Brooklyn's Flatbush Avenue. "At the time, we were allowed to stop and frisk anyone whom the store owner believed was 'casing' the place," says Coughlin. "These searches often turned up guns—which meant an immediate arrest under the old Sullivan Law."

What surprises Coughlin—in retrospect—is how often the guns turned out to be unloaded. "At least a third of the time, there were no bullets in the gun, or the firing pin was missing, or the gun had been disabled. These guys wanted the *fear* the gun would bring, but they didn't want even the *chance* that someone might *accidentally* get killed during the stick-up. They knew a robbery meant jail, while a murder meant the electric chair."

Today the calculus is reversed. Many robbers deliberately kill their victims, knowing that they are reducing their chances of being caught. In some circles, it has become a matter of proving you "have heart" to eliminate the victims of your crime. Particularly in gang crimes, the peer pressure to prove your manhood by pulling the trigger may be overwhelming.

The need to maintain a differential between crimes of violence and murder has long been recognized as one of the greatest responsibilities of the justice system. In *The Spirit of the Laws*, (1748), Montesquieu, after surveying the criminal justice systems of the whole world, criticized his own countrymen of the risks of failing to make this distinction:

> It is a great abuse amongst us [the French] to condemn to the same punishment a person that only robs on the highway and another who robs and murders. Surely, for the public security, some difference should be made in the punishment.
>
> In China, those who add murder to robbery are cut in pieces: but not so for those who only rob; to this difference it is owing that though they rob in that country they never murder.
>
> In Russia, where the punishment of robbery and murder is the same, they always murder. The dead, they say, tell no tales.
>
> Where there is no difference in the penalty, there should be some expectation of pardon. In England they never murder on the highway, because robbers have some hopes of transportation [exile], which is not the case in respect to those that commit murder.

Montesquieu, of course, was criticizing the overuse of the death penalty, and the same criticism could have been made in the U.S. as late as 1972. But the logic also applies to its underuse: without a significant differentiation between violence and homicide, there is nothing to inhibit the rapist/robber from killing his victim.

The change in the *kind* of murder committed over the past thirty years makes it clear that this is happening. When liberals argued against the death penalty in the 1960s, they inevitably pointed out that 90 percent of all murders were "crimes of passion"—unplanned, impulsive killings among families and friends. "The death penalty isn't going to deter these crimes," they argued—and they were probably correct.

Since then, however, "crimes of passion" have declined to less than 70 percent of all murders. The remainder are "stranger murders"—crimes committed at random or in the act of committing other crimes. *These are the murders that were being deterred by the death penalty.*

There is no way around this logic. Basically, we have two choices: (1) we can go on living with the mayhem that surrounds us; or (2) we can restore capital punishment for first-degree murder. What we cannot do, though, is start raising the penalties for other crimes. Three-strikes-you're-out will only turn more victims of violent crime into murder victims. Dead men tell no tales. ❐

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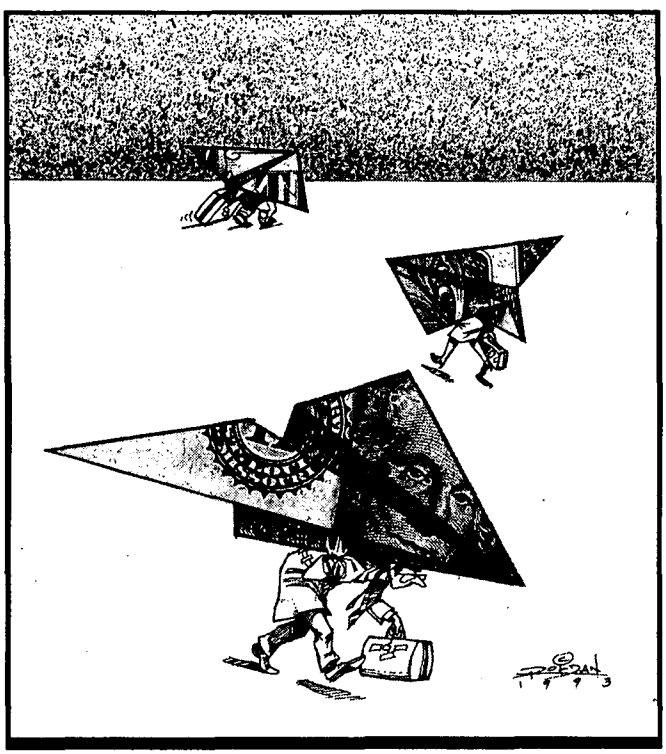
Lawrence Kudlow

Budgetprop

An economist's-eye view of the ruling administration's propaganda-driven fiscal policy.



Rather than the tough-decision budget that was advertised, President Clinton's latest fiscal plan is nothing more than a thinly veiled deception that attempts to cover up a further trashing of defense, an enormous tax increase, and the creation of numerous new entitlements. Particularly ballyhooed was the administration's deficit estimate of $165 billion fiscal year 1995, a precipitous drop from the $235 billion forecast for FY94. But 1995's estimate is not a real number, and what's left out of it is more interesting than what has been put in.

Any list of deceptions must begin with the absence of the colossally expensive welfare and health care reforms, both of which could begin spending out in FY95. From there, at least $20 billion in necessary defense spending has been left out of the budget—and is going to have to be paid for somehow. Finally, the administration's entire estimate is based on a premise that has been proved diametrically wrong time and again over the decades: that tax hikes increase tax receipts. On the contrary, attempts to soak the taxpayer, such as Clinton's *last* budget, always backfire. If, in response to the quarter-trillion-dollar tax hike of August 1993, only a tenth of taxpayers shelter a bit more income, or participate less in the workforce, or invest less money, then both revenues and economic growth will come in significantly below the administration's estimates. Such policies, along with vast new entitlement spending, could actually raise the deficit path well above $300 billion by decade's end.

Lawrence Kudlow is chief economist at Bear, Stearns.

The Health Plan

Let's look at just the Health Security Act proposed by the White House. As Federal Reserve chairman Alan Greenspan warned recently, merely *financing* a government takeover of the U.S. health system is exceedingly troublesome.

Nearly everyone believes that the total cost of employer mandates, new entitlements, and other subsidies will be far costlier than the White House admits. The day of reckoning came in February, when Robert Reischauer of the Congressional Budget Office (CBO) ruled that "employer mandates" are in fact tax increases (since the proposed regional alliances would operate as agents of the federal government). If CBO's numbers are right, the health-care plan will fall short by $133 billion over five years. If, on the other hand, a study compiled by the Republican staff of the Joint Economic Committee is correct, the news is even worse. The JEC study shows nearly a trillion-dollar funding gap accumulating by the year 2000, beginning with a $102 billion shortfall in 1995 and ending with a $219 billion gap in 2000—an average of $153 billion a year. In tax terms, the only way such a deficit can be funded is with a doubling of the income tax, about a 15 percent new payroll tax, and a European-style value-added

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tax. This would create an unprecedented tax burden that would surely drown the economy, and, needless to say, take the whole health-care system with it.

There are at least three new open-ended entitlement programs implicit in the plan: subsidized drug prescription payments, long-term home care payouts, and complete medical insurance for early retirees. The last of these fell apart when the Business Roundtable, the U.S. Chamber of Commerce, and the National Association of Manufacturers came out against it—despite the administration's attempt to bribe big business by having the government pay off much of their existing pension load. History has taught us that entitlements have a way of spiraling out of control: When Medicare was created in the mid-1960s, actuaries predicted $9-12 billion costs by 1990; the actual 1990 cost was $107 billion. But none of the foregoing is reckoned to cost a cent in the FY95 budget totals, or even in the totals out to 1999.

Shaky Budget Numbers; Tax Hall of Shame

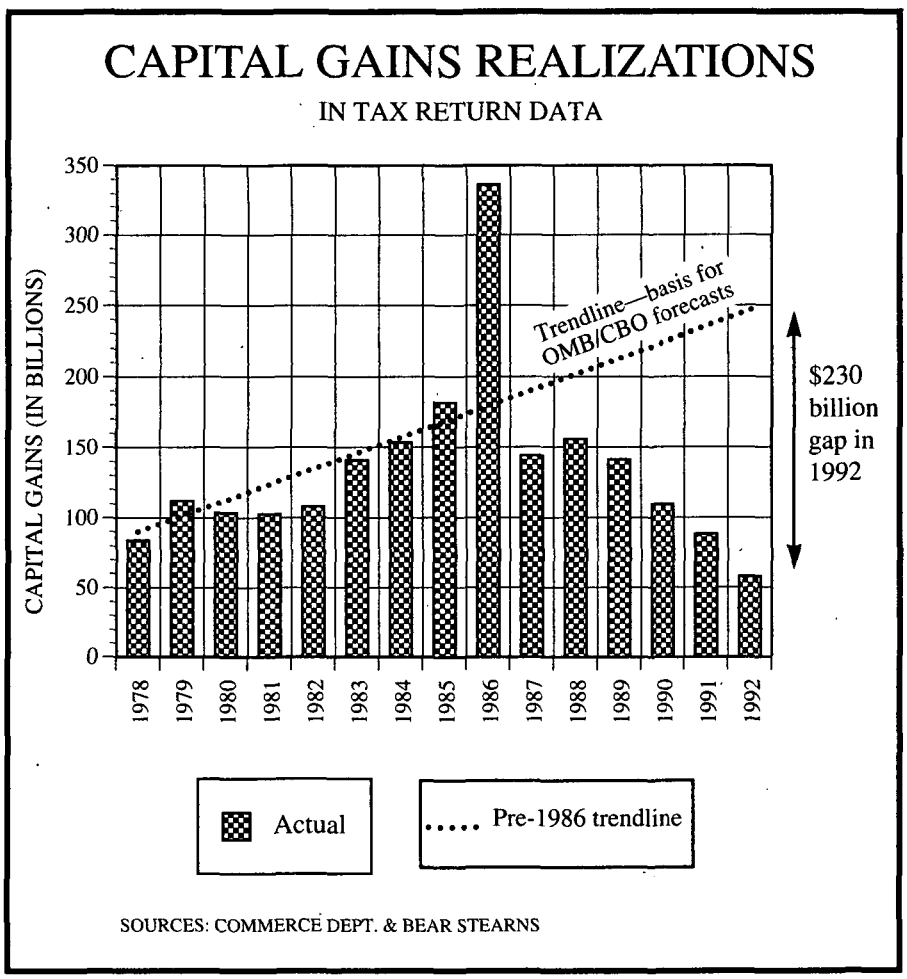
Budget projections themselves have an abysmal track record. Following the 1990 "budget summit" that was to cost George Bush his presidency, the latest CBO deficit projections through 1996 now show a $394 billion underestimate of the accumulated deficit, and an extraordinary $486 billion shortfall in projected revenues. In other words, higher taxes generated lower revenues and wider deficit gaps.

The fallout from the 1990 tax bill proves it, but the 1986 capital-gains tax hike provides even clearer evidence. When the capital-gains rate was raised from 20 to 28 percent, the CBO predicted a rising arc of government revenue collection from capital-asset sales. By 1992, asset sales were expected to reach nearly $300 billion; the preliminary 1992 Treasury report shows sales of a paltry $70 billion. That is, the higher 28 percent rate actually cost citizens about $230 billion in lost sales, and the government $65 billion in lost tax revenues. (See table this page.) It is perhaps the most embarrassing forecasting miss ever.

More generally, after 1986, a brutal series of tax and regulatory increases undermined the economic growth of the 1980s. Rolling back the low-tax policies of President Reagan, Congress has raised capital gains, income, payroll, luxury, gasoline, and estate taxes; lengthened depreciation schedules; eliminated deductions and exemptions; ended the successful Gramm-Rudman sequestration process; and imposed huge new regulatory costs. The net effect has been a substantial slowdown in the U.S. economy, and an enormous "performance gap" between our historic 3 percent long-run growth and the dismal 1.8 percent actual growth rate over the past five years. (See table, p. 29.) By 1993, this gap had yielded a growth deficit amounting to $1.3 trillion lost real output, 5.4 million lost jobs, and 1.6 million lost new business start-ups.

If Reaganomics hadn't been rolled back and the economy had maintained its historic average of 3 percent real growth, the 1993 budget deficit of $255 billion would have been $140 billion lower. (Let's not forget that, in 1989, Reagan's last fiscal year, the deficit, excluding deposit insurance, was down to $120 billion.) Unfortunately, slow growth continues. For all the Clintonites' self-congratulation about a 5.9 percent growth in fourth-quarter real GDP, on a fourth-quarter-to-fourth-quarter basis, the 1993 economy grew by only 2.9 percent, less than the 3.6 percent rate of 1992. Overall, for the first eleven quarters of the current recovery, real growth has averaged a sub-par 2.7 percent, compared to a 4.4 percent average growth rate of the prior six recovery cycles.

Thus far, this recovery has generated 2.3 million new jobs, most of them in the last year. However, the recovery cycle beginning in late 1982 had generated 7.9 million new jobs at a comparable point in time, and the 1975 recovery 7.2 million. Going forward, President Clinton's new budget predicts 2.6 percent growth over the next five years. If successful, this forecast will insure a widening of America's performance gap, and a larger-than-expected budget deficit.



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Along with Congress and many economists, this White House has completely forgotten the importance of economic growth to long-term fiscal solvency. Growth is crucial, and capital crucial to growth. As a matter of national leadership and goal-setting, the U.S. government should be targeting at least 4 percent growth and 3-million-yearly job increases during the period ahead.

Lacking the epiphany that taxes matter, Labor Secretary Robert Reich has successfully negotiated a huge 17 percent rise in his department's employment and training budget. Ignoring failures stretching back to the Kennedy administration, Reich believes that new training money—which comes to $20,000 per targeted student, even before Congress adds its inevitable pork to the bill—will solve the problem of "dislocated workers." (Like nearly all the Clintonians, Reich believes that somehow jobs can be created without capital.) Clinton's budget is full of stunts—government-sponsored supercars, information superhighways, re-funding failed industrial programs such as the National Institute of Standards and Technology and the Advanced Technology Program—that are a throwback to the 1930s.

Unless national economic policies return incentive to capital risk, economic growth—and especially job creation—will languish. To reach the goal of 4 percent growth, the current budget should include, at a bare minimum, a return to the old 20 percent capital-gains rate and a commitment to index capital gains to the rate of inflation. The 1993 tax surcharge, lifting the top rate to 40 percent, should be repealed. Business depreciation allowances should be made more generous. And the middle class should receive the benefit of a substantially higher family allowance for children and spouse, with an inflation-indexing provision.

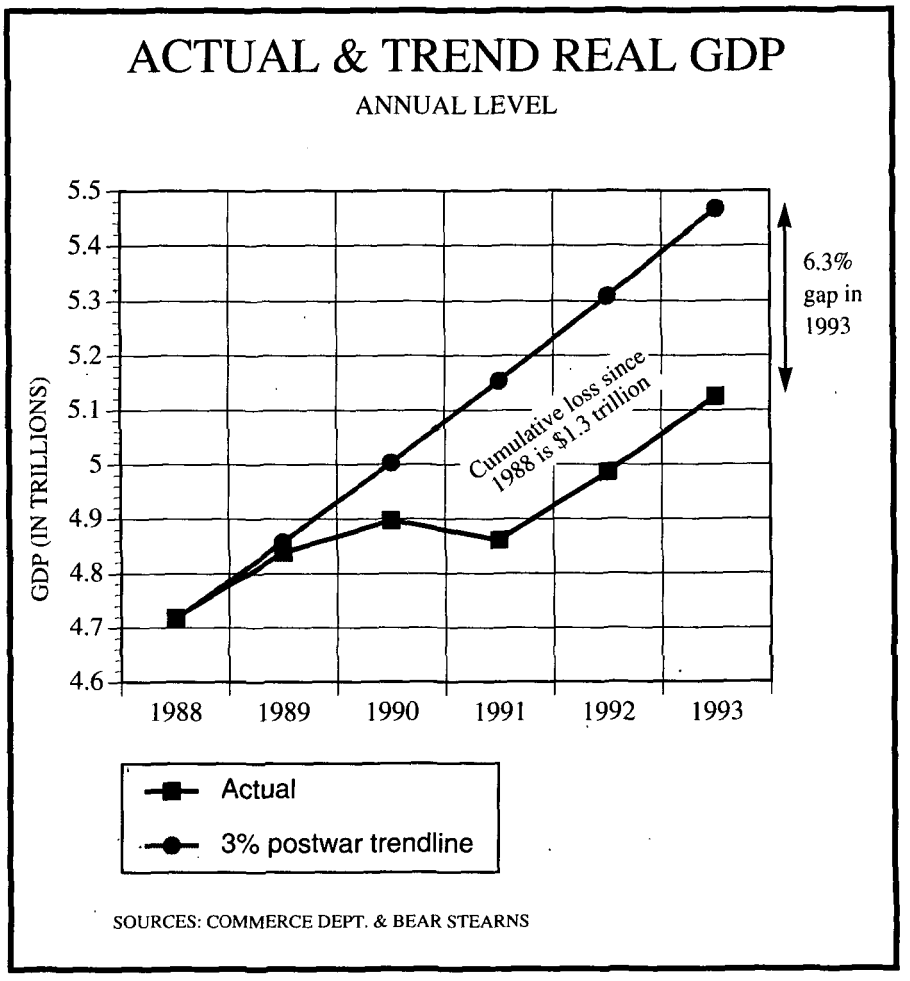
Defense as a Cash Cow

On the spending side, policy makers have been looting the defense budget to boost domestic program levels. Total U.S. defense spending as a percentage of GDP is scheduled to drop to a post-war low of 3.9 percent in 1994, a far cry from Reagan's mid-1980s level of 6.5 percent. Despite the president's State of the Union pledge to avoid further defense cuts, the budget data show otherwise—at a time when Sen. Sam Nunn and others believe that defense spending must be *raised* by at least $20 billion.

The dropoff in defense spending has undoubtedly emboldened dictators in Serbia and North Korea, though the administration seems incapable of making the connection. Meanwhile, incoming Defense Secretary William Perry seems eager to turn the DoD into a laboratory for a number of failed industrial policy and "technology partnership" programs. Whether Clinton is capable of generating a rational military budget remains to be seen.

The talk of capping the domestic discretionary budget is yet another deception. Clinton boasts of cutting or eliminating 115 programs, but these cuts amount to only .05 percent of the $1.5 trillion budget, hardly draconian. Actually, domestic discretionary budget authority will *rise* by $10.1 billion in 1995. Including user fees, the FY 1995 increase in budget authorization in this area comes to 7 percent, or more than twice the rate of inflation. In fact, from a 1988 bottom of 3.6 percent, the domestic discretionary spending share of GDP will increase to 4.2 percent or more by 1995.

In the uncapped area of mandatory entitlements, the next five years will witness projected annual growth of 7.2 percent. Entitlements will make up 11.4 percent of GDP, up from a 10.2 percent rate in 1989. Medicare grows by 10.8 percent a year and Medicaid by 11.8 percent. *Government* health care spending, pre-reform, is expected to rise nearly four times faster than expected inflation—even as health costs in the private sector level off. (See Fred Barnes's "Health Care Costs Are Going Down" in last month's *TAS*.) Few have challenged the Clintons' invention of a private-sector-driven health crisis. True, private costs have risen explosively, but only due to government price controls forcing cost-shifting up the ladder into the private sector. It is twenty-five years of Medicare and



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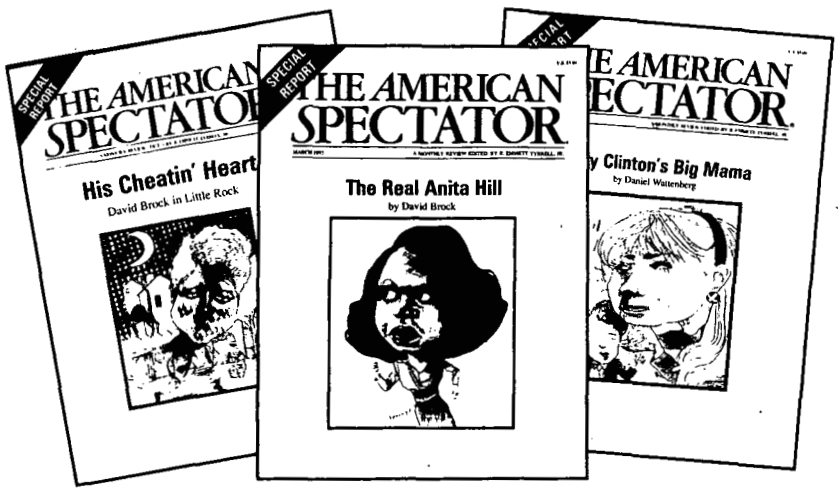

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Medicaid—with their price controls on drugs, doctors, and hospital fees—that has thrown health markets out of balance.

Outdated Government Finance

When will Washington wean itself from the legacy of the 1930s? Subsidies for farm and dairy price supports, housing, electrification, and waste-water treatment; big-business export enhancements; energy, airport, and community development block grants—all these should be scrapped completely. World markets set commodity prices, and businesses will rise or fall on the basis of competitiveness. Meanwhile, government's so-called helping hand—with attendant tax and regulatory and bureaucratic coasts—has become not a stimulant but a suppressant.

Twenty-first-century economics requires free markets and free choice. Like the successful market reformers in Mexico, Argentina, Asia, and Central Europe, the U.S. must privatize its operations and cut its costs by selling all manner of land, loans, and assets. The government should get out of the land management business, get out of housing and real estate, get out of banking and lending; it has proved conclusively that it cannot operate in these areas. Finally, all domestic entitlement programs must be overhauled to disempower bureaucracies, with their antiquated administrative bottlenecks. Making use of IRAs, medical savings accounts, vouchers, and tax credits, will broaden free-market choice for individuals and businesses.

The 1995 budget attempts to fob off an unprecedented peacetime tax increase and a grandiose scheme of social engineering and income redistribution as "change." But the few cuts and program terminations proposed—admirable in a small way—are a mere trifle. The Clinton budget's overarching vision is still one of ever-larger government funding. Starting with an incredible proposal for a government takeover of the nation's health care system and moving through the rest of its domestic program increases, the administration is still trying to hide Rooseveltian economics behind twenty-first-century rhetoric. ❐

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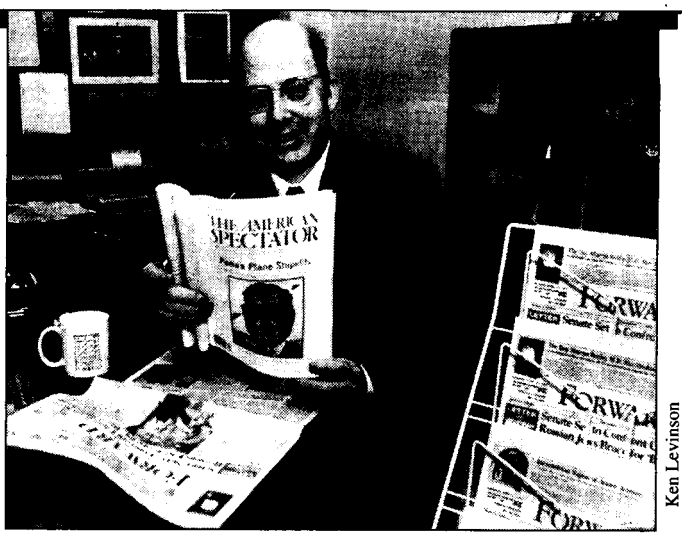

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James Bovard

Job-Breakers

The EEOC's assault on the workplace.

President Clinton is still struggling to name a chairman for the Equal Employment Opportunity Commission, perhaps the federal government's most revered symbol of coercive good intentions. In January, the administration was on the verge of nominating Ida Castro, a female Hispanic labor lawyer, but backed off because civil rights groups complained of Castro's lack of experience in job discrimination lawsuits. At press time, top Clinton officials were reportedly searching for some other qualified Hispanic to head the agency.

It's unlikely the nomination will raise many eyebrows, for few federal agencies have received as much power and as little scrutiny as the Equal Employment Opportunity Commission. Shrouded in a cloak of good intentions, the EEOC represents the epitome of the paternalist state's contempt for rendering justice to individuals. The EEOC exists largely to compel employers to treat job applicants and employees unequally, and thus generates an unending series of harebrained lawsuits.

Mass Guilt by the Numbers

The 1964 Civil Rights Act created the Equal Employment Opportunity Commission. The act explicitly banned racial quotas, declaring:

> It shall be an unlawful employment practice for an employer . . . to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin.

The 1964 act also specifically required that an employer have shown an intent to discriminate in order to be found guilty.

But, by the late 1960s, the EEOC had intentionally subverted the law by establishing a definition of discrimination far wider than Congress authorized. EEOC chairman Clifford Alexander announced in 1968: "We . . . at EEOC believe in numbers. . . . Our most valid standard is in numbers. . . . The only accomplishment is when we look at all those numbers and see a vast improvement in the picture." From the 1970s onward, the EEOC, through its regulations and lawsuits, created an overwhelming legal presumption that employers who do not hire ample numbers of blacks, Hispanics, and other minorities will be found guilty of discrimination. The result is racial hiring quotas via threat of federal and private lawsuits. Though the Reagan administration in principle opposed such policies—and the Bush administration paid lip service to such opposition—neither administration made any fundamental changes in the federal regulations defining discrimination in the private sector.

In 1991 EEOC chairman Evan Kemp warned of a "crime

James Bovard is the author of Lost Rights: The Destruction of American Liberty, *to be published in April by St. Martin's Press.*

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wave of discrimination." What type of crime wave was the EEOC battling at that time? The EEOC had sued the Daniel Lamp Company in 1991 for allegedly discriminating against blacks. The company was in a Hispanic neighborhood in Chicago and relied on Hispanic organizations to refer job-seekers. All of the company's twenty-six employees were either black or Hispanic. The EEOC ran a computer test, compared Daniel Lamp to much larger employers within a three-mile radius, and informed the company that it was guilty of breaking federal law because it did not have 8.45 black employees. The EEOC also based its lawsuit on the complaint of one black woman who applied but was not hired. According to Richard Epstein's *Forbidden Grounds: The Case Against Employment Discrimination Laws*, the EEOC "demanded that Daniel Lamp not only pay her back wages of some $340, but also that it spend $10,000 in advertisements to detect other blacks who might have answered want ads, and to pay them another $123,000 in back pay."

Morley Safer of CBS's "60 Minutes" noted: "Daniel Lamp Company is in an old building on the southwest side, broken into so many times that [the owner] has had to bar every window in the place." Though the city of Chicago was unable to provide basic police protection to the company, the federal government had sufficient resources to punish the company for hiring too many of the wrong minorities. EEOC officials publicly asserted that Daniel Lamp had refused to hire any blacks; but "60 Minutes" found that during the time that the EEOC said Daniel Lamp was discriminating, the company had actually hired eleven black employees.

Safer interviewed Jim Lafferty, the EEOC's director of legislative affairs, and asked him if an employer "has three black employees and doesn't hire a fourth for whatever reason, and that fourth accuses him of discrimination, do you prosecute?"

Lafferty replied, "Yes we do."

Such a standard gives almost any frustrated minority job applicant a legal bomb to throw at potential employers. Lafferty also commented on the 8.45 number: "All too often when confronted with such numbers, employers have assumed that they represent quotas. Consequently, many employers have come to believe the law requires quotas and have surreptitiously hired by numbers to avoid challenges."

When the EEOC filed its lawsuit, it announced:

> This is an action . . . to correct unlawful employment practices on the basis of race (Black) and to make whole Lucille Johnson, and all other Black applicants and Black *potential* applicants for employment aggrieved by the unlawful employment practices.

Mike Welbel, the owner and manager of Daniel Lamp Co., observed two years later, "The government went through our records of job applicants, and called up people and asked, 'Are you white, Hispanic, or black? Did you know you may have been discriminated against and that you may have money coming to you?' What really burnt me and hurt me is that the government said that other people came forward [and alleged discrimination]. Other people did not know about the case—the government solicited other people."

Welbel was shocked at the government's overreaching, but, his lawyer explained to him, "They are the government—they can do anything." Welbel eventually settled the EEOC's lawsuit by agreeing to pay $8,000 a year for three years into a settlement fund. Welbel observed, "My whole life was fighting this thing. And I could not do it any more. My family and I could not function." Welbel agreed to the settlement partly because he just wanted to be "left alone." Welbel noted that he and his black and Hispanic employees "got along just fine—until Big Brother came in. We never had a racial incident—we never had anything—the church and civic and community leaders backed us up."

The simple threat of a discrimination lawsuit frequently compels businesses to pay off complainants, regardless of the merits of their case.

The EEOC will sue a company over almost any procedure that results in an "inappropriate" number of minority employees. It spent seven years suing Consolidated Services Company, a Chicago janitorial service owned by Koreans. Federal judge Richard Posner noted in his March 1993 decision:

> There is no direct evidence of discrimination. The question is whether the circumstantial evidence compels an inference of discrimination—intentional discrimination. . . . Mr. Hwang relies on word of mouth to obtain employees rather than reaching out to a broader community less heavily Korean. It is the cheapest method of recruitment. . . . Persons approach Hwang or his employees—most of whom are Korean too—at work or at social events, and once or twice Hwang has asked employees whether they know anyone who wants a job. . . . Hwang did buy newspaper advertisements on three occasions—once in a Korean-language newspaper and twice in the *Chicago Tribune*—but these ads resulted in zero hires. . . . The EEOC was unable . . . to find a single person out of the 99 rejected non-Koreans who could show that he or she was interested in a job that Mr. Hwang ever hired for. Many, perhaps most, of these were persons who responded to the ad he placed in the *Chicago Tribune* for a contract that he never got, hence never hired for.

At the federal trial of Consolidated Services, the EEOC provided only four witnesses: a secretary who Posner believed did not honestly want a janitorial job, a second whose testimony was judged "incredible" and who openly contradicted himself, a third whose testimony was also dismissed as unbelievable, and a fourth who had been fired from his last job for stealing and who insisted that he saw

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Hwang's ad in the *Chicago Sun-Times*, where Hwang never advertised. Posner observed, "This was a sorry parade of witnesses, especially when we recall that the [EEOC] culled it from a list of 99." Posner concluded:

> It would be a bitter irony if the federal agency dedicated to enforcing the anti-discrimination laws succeeded in using those laws to kick [immigrants] off the ladder by compelling them to institute costly systems of hiring. . . . Consolidated has been dragged through seven years of federal litigation at outrageous expense for a firm of its size.

In a similar case in late 1991, the EEOC compelled a $2 million settlement out of World's Finest Chocolate, a Chicago candy maker; EEOC's Allison Nichol explained, "Their method of recruitment was primarily by word-of-mouth through their existing work force, which at the time, was primarily white, thereby excluding blacks from knowing about the jobs."

Felons' Best Friend?

The EEOC often argues that "discrimination" against ex-convicts is simply a pretext for discriminating against minorities, hence illegal. (A 1986 *New York Times* editorial noted that "national surveys estimate that blacks commit robbery at a rate 10 times that of whites.") In the 1970s the EEOC began suing companies that refused to hire people with criminal records. The EEOC announced in 1987:

> It is the Commission's position that an employer's policy or practice of excluding individuals from employment on the basis of their conviction records has an adverse impact on Blacks and Hispanics in light of statistics showing that they are convicted at a rate disproportionately greater than their representation in the population.

EEOC policy practically seeks to change criminal records from liabilities into assets—into pretexts for lawsuits alleging discrimination.

In 1989, the EEOC sued Carolina Freight Carrier of Hollywood, Florida, for refusing to hire as truck drivers people who had been convicted of felonies (especially larceny) and who had served prison time. Carolina Freight truckers carried such freight as computers, munitions, and drugs. The company's average loss from a theft exceeded $100,000 and the company attributed 85 percent of the thefts to employee misconduct. Since drivers were largely unsupervised, the company believed the drivers were the primary sources of theft losses. The EEOC sued on behalf of a Hispanic man denied a permanent job who had twice been arrested and who had served eighteen months in prison for larceny. The EEOC asserted that since Hispanics have a higher rate of felony convictions than do whites, the company's policy violated the law because of its disparate impact on Hispanics. The EEOC argued that the only legitimate qualification for the job was the ability to operate a tractor trailer.

The EEOC had bad luck in the federal judge who was selected for the case. The judge—Jose Gonzalez, Jr.—was outraged at the EEOC's "condescending attitude towards Hispanics":

> EEOC's position that minorities should be held to lower standards is an insult to millions of honest Hispanics. Obviously a rule refusing honest employment to convicted applicants is going to have a disparate impact upon thieves. That apparently a higher percentage of Hispanics are convicted of crimes than that of the "white" population may prove a number of things such as: (1) Hispanics are not very good at stealing, (2) whites are better thieves than Hispanics, (3) none of the above, (4) all of the above. . . . Regardless, the honesty of a prospective employee is certainly a vital consideration in the hiring decision. If Hispanics do not wish to be discriminated against because they have been convicted of theft then they should stop stealing.

Even people who did not apply for a job can be eligible for a payoff if an EEOC official decides that the person would have applied except for a company's reputation for discriminatory hiring.

The judge fumed that "to say that an applicant's honest character is irrelevant to an employer's hiring decision is ludicrous. In fact, it is doubtful that any one personality trait is more important to an employer than the honesty of the prospective employee. . . . To hold otherwise is to stigmatize minorities by saying, in effect, your group is not as honest as other groups."

Kathleen Courtney of the EEOC's Office of General Counsel stated in October 1993 that the Carolina Freight decision in no way caused the EEOC to rethink its national litigation policy.

In June 1992, the EEOC sued Continental Air Transport, claiming that its policy of not hiring people with arrest records violated federal civil rights law. EEOC attorney Elaine Chaney explained that the law was discriminatory because "blacks and Hispanics are far more likely than whites to have arrest records." It is ironic that the government penalizes a private company for relying on a person's criminal record, since both the federal and state governments suspend many of a person's civil and constitutional rights once he is convicted of a felony. Convicted felons are prohibited, for example, from owning guns or voting in most states. The government declares that a convicted felon cannot be trusted to pull a lever in a voting booth, yet seeks to penalize private companies who feel the person cannot be trusted with $100,000 in private property.

The EEOC has sued companies for firing employees who have violently attacked other employees on the job. In 1992, the EEOC sued the Flasher Company of western Oklahoma for firing Edward Perez. Perez, a Hispanic employee, was

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discharged after he punched another employee, causing the truck the second employee was driving to go into a ditch. The EEOC claimed the firing was based on discrimination against a member of a "protected class"—i.e., that the company used Perez's attack on a co-worker solely as a pretext to treat him unfairly. A federal appeals court rejected the EEOC's claim.

Norming Scores

The EEOC strives to enforce a "know-nothing egalitarianism" on hiring policies. It routinely presumes that businessmen who seek to hire workers with more than minimal qualifications are acting unfairly toward less qualified workers. The EEOC almost always intervenes against competence—in support of the notion that workers do not need to be as intelligent, as literate, or as capable as an employer demands.

Routinely, the EEOC punishes or threatens to punish employers if minority job applicants give the wrong answers to test questions. As Robert Holland of the *Richmond Times-Dispatch* noted, "The EEOC's chief psychologist has promoted a definition of 'test fairness' that condemns any test, no matter how job-related or unbiased, as 'unfair' when racial groups differ in their score averages."

Race "norming" was a result of the EEOC's attack on private tests. Race-norming consists of covertly manipulating test scores, effectively lowering the scores of whites and Asian-Americans and raising the scores of blacks and Hispanics, in order to reduce differences in test scores. With race norming, each citizen has an equal opportunity to have his job test scores secretly raised or lowered in response to government manipulation or intimidation. The U.S. Department of Labor effectively imposed race norming on state employment services, changing millions of job applicants' test scores by federal fiat.

The EEOC has long pressured companies either not to use written tests for job applicants or to change the test scores to provide extra benefits to minority job applicants. In the prosecution of Atlas Paper Box Co., a Tennessee corporation, EEOC officials argued that the fact that the company did not race-norm job applicants' test scores was evidence of bias against black applicants. When the controversy over race-norming became public in 1991, EEOC officials admitted that they had threatened to sue other private corporations if they refused to race-norm test results. Race norming is the perfect example of the EEOC's concept of "fairness"—lying about people's ability so that it can secretly pick the winners and losers among job applicants.

Shakedown City: EEOC Settlement Policy

In 1986 the EEOC sued C.W. Transport Inc., a Wisconsin trucking firm, for not hiring enough blacks and Hispanics and for not keeping paperwork in order from the mid-1970s. The EEOC initially demanded $8.6 million, but settled for $1 million in 1987. After the $1 million bounty was rendered to the EEOC, EEOC lawyer John Milton was placed in charge of finding 200 blacks and Hispanics who were illegally denied jobs by the company up to fifteen years before. Finding the rightful recipients of the windfall was especially tricky, since the company's files of old job applications had been destroyed in a flood. Milton proved that government employees also have entrepreneurial talents. He cut a deal to allow personal acquaintances, his brother, three former Yale Divinity School students, and others to file false claims of having been denied employment by C.W. Transport. After the discrimination claimants cashed their $6,000 payoff, Milton permitted them to keep $1,000 to $1,700, and kept the rest for himself. Milton and his brother were convicted of conspiracy, theft, and making false statements to the EEOC. Erma Fields, an EEOC paralegal, was also con-

EEOC HIT PARADE

The EEOC's efforts to restructure society go far beyond the lawsuits it files. If we also judge it by other lawsuits that make use of its expansive definitions of discrimination, its mandate can be seen as far more wide-reaching. Here are some highlights from the last decade:

- A Denver teacher sued for racial discrimination when she was dismissed from her job after school officials caught her helping a student involved in a fight to hide a knife, and after she pled guilty to Medicaid fraud.
- Kemper Life Insurance was sued for racial discrimination after it discharged a black employee who committed expense-account fraud and missed scheduled appointments with clients.
- An ex-employee sued Buckeye Cellulose Corporation of Georgia, claiming that the company's policy of terminating employees for "absence and tardiness" was racially biased because it had a disparate impact on blacks.
- Mobil Oil Corporation was sued for racial discrimination after it fired a black employee who had misappropriated company property, violated conflict-of-interest policies, and falsified expense reports.
- Piedmont Aviation Company was sued for racial discrimination after it fired a black flight attendant who refused to accept a flight assignment on a specific flight, forcing Piedmont to cancel it.
- The U.S. Postal Service was sued in 1990 by a job applicant whose driver's license had been suspended four times, and who claimed that the agency's policy of not hiring individuals as mail carriers whose licenses had been suspended unfairly discriminated against blacks—even though carriers must drive government vehicles to deliver the mail.
- The Internal Revenue Service was sued for discrimination after it fired a black secretary who refused to answer the telephone.
- The City of Houston was sued for racial discrimination by a white employee who, as a federal judge noted, was "repeatedly out of the office for long stretches of time without explanation, slept frequently at his desk, and shirked direct requests from his supervisors."

—*J.B.*

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victed, after four members of her family received settlement checks.

When the EEOC gets a pot of money to distribute, there are few reasonable guidelines about who should receive a windfall. Even people who did not apply for a job can be eligible for a payoff if an EEOC official decides that the person would have applied except for a company's reputation for discriminatory hiring. According to lawyer Jeffrey Norris of the Equal Employment Advisory Council, a private organization in Washington, some EEOC offices make little or no effort to find people who were actually discriminated against; instead, they are concerned only with doling out the windfalls to people of the proper race.

The EEOC often attempts to bludgeon small companies with large settlement demands. Bruce Spitzer, the lawyer for Consolidated Services, a Korean-owned Chicago janitorial firm, observed that the EEOC demanded that the firm pay $475,000 in "back pay," primarily to people who never worked for the company, as a penalty for its alleged discrimination. The EEOC reached that sum simply by calculating that, since 95 percent of laborers in Chicago are non-Asians, Consolidated was guilty of discriminating whenever its payroll had more than 5 percent Koreans. The EEOC never even attempted to build up evidence that the company had actively discriminated against specific individuals; instead, it assumed that the fact that its employees were almost all Korean proved the company's guilt, according to Spitzer.

The EEOC almost always intervenes against competence—in support of the notion that workers do not need to be as intelligent, as literate, or as capable as an employer demands.

The EEOC then insisted that Consolidated must pay $5,000 each, plus interest, to "non-Koreans who applied for cleaner positions . . . but were rejected, as well as to those non-Koreans who did not apply for cleaner employment . . . but who would have applied for such employment had they been aware that such employment was available," according to a confidential EEOC settlement proposal. Consolidated would have been required to identify such non-applicant claimants by "placing advertisements in the media," among other steps, to find out those who might have applied for a job if they had known. Consolidated rejected the settlement and was later vindicated in federal court.

The EEOC measures its good deeds in part by the size of the cash settlements it finagles for blacks, Hispanics, and other "protected classes." EEOC acting General Counsel James Neely announced in August 1993 that the EEOC is resolving "more charges for more money than ever." The EEOC routinely forces employers to pay off complainants, even when the EEOC lacks clear evidence that the employer was guilty of discrimination. The agency has a long history of scorning evidence in its investigations; a 1981 General Accounting Office report concluded:

> EEOC has obtained negotiated settlements for some charges on which GAO believes there was no reasonable cause to believe that the charges were true. . . . The three district offices we reviewed strongly emphasized obtaining negotiated settlements on all charges

—regardless of the evidence of employer guilt.

The EEOC's open contempt for fairness was reined in during the Reagan and Bush eras, but the system still has a strong bias in favor of complainants. A 1988 GAO report noted investigative deficiencies in up to 87 percent of cases in one EEOC office. The EEOC found that of the 60,000 complaints it received in 1987, there was cause to believe discrimination had occurred in fewer than 3 percent. Yet, as GAO noted, "In an additional 12.5 percent of closed charges, EEOC obtained settlement from the employer in which some relief was provided for the charging party without determining whether there was cause to believe discrimination had occurred." GAO further noted:

> Investigative staff in four of the six district offices we reviewed said they were still required to meet headquarters-established production goals, or face some adverse action such as low performance rating. In one EEOC district office, some supervisors commented that they frequently placed more emphasis on meeting their quantitative goals than adhering to the Compliance Manual requirements for investigators.

As one former high-ranking EEOC official says, "The official line is that we do not take sides. We just want to find out the truth about how bad the employer is. But obviously, we are out to suspect the employer."

The EEOC's internal newsletter, *Equal Times*, frequently lists victories achieved by regional offices that result in payments of $2,500 or $5,000 to employees or ex-employees who threatened to sue their employers for discrimination. While such achievements may look good on a press release, the EEOC fails to mention that the average cost of defending against a discrimination lawsuit for an employer is approximately $80,000. The fact that an employer would settle a charge for a few thousand dollars instead of spending almost a hundred thousand dollars in court to prove his innocence only shows that corporate managers are not idiots. The more expensive lawsuits have become, the more arbitrary the power the EEOC has over employers. The simple threat of a discrimination lawsuit frequently compels businesses to pay off complainants, regardless of the merits of their case.

Rescuing Scantily Clad Women

The EEOC also polices and punishes practices that it claims discriminate against women. Ever since the early 1970s, the

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EEOC has continually sought to expand the types of treatment of women which are punished by law. On July 21, 1992, the EEOC announced that it was filing a sex discrimination lawsuit against Sands Hotel and Casino in Atlantic City, New Jersey, for

> maintaining a dress code that is enforced unequally against cocktail servers based on gender. In addition, the dress policy of Sands Hotel places a disparate standard on the female cocktail servers based on their sex in violation of Title VII, by requiring them to wear a sexually provocative and revealing costume, and high heels, while males wear tuxedo-type uniforms and comfortable dress shoes.

It is strange to characterize requiring the wearing of high heels as a civil rights violation; millions of women, after all, *voluntarily* wear such shoes. This case might have merit if Sands Casino had the power to conscript women at random and force them into wearing skimpy outfits. There are hundreds of thousands of jobs in New Jersey for women who do not want to flaunt their anatomy—but instead of simply telling the potential plaintiffs to change their line of work, the EEOC instead tries to force Sands hotel to change its corporate style.

Other EEOC lawsuits seem devoted to minimizing Americans' freedom of association. The EEOC has brought several lawsuits against women's health clubs for their refusal to hire male employees. Women usually choose to join an exclusively female health club in order to get away from male oglers and sexual innuendos while doing squats and bench presses. But the EEOC considers health clubs that serve only females and hire only females to be unfairly discriminating against men. In a major case in Chicago, EEOC sued the Women's Workout World (WWW) chain of health clubs for sex discrimination. A federal judge initially awarded the EEOC summary judgment but then reversed her decision after WWW provided petitions signed by over 10,000 members who vowed not to patronize the clubs if males were hired. *Daily Labor Report* summarized the dispute in April 1993:

> WWW claims that because of the intimate physical contact with members, and exposure to nudity and partial nudity in showers, locker rooms, and exercise rooms, the employment of men would violate legitimate privacy interests of the club members. It argued that the female-only requirement for these jobs is a bona fide occupational qualification.

Federal judge Ann Claire Williams conceded that the health club has "articulated a legitimate privacy interest with regard to nudity." *Daily Labor Report* noted, "The court said it also will assume at this point that members of the club have a privacy interest in preventing the opposite sex from touching their breasts and buttocks." Yet at the same time the EEOC is prosecuting WWW, it is helping to create expansive doctrines of sexual harassment to prosecute other companies for *not preventing* male employees from asking female employees out on dates.

You Ain't Seen Nothing Yet

Whatever absurdities the EEOC has concocted in recent years are almost certain to be exceeded in the Clinton era. According to Attorney General Janet Reno:

> Ultimately a failure to vigorously protect civil rights is an intolerable breach of faith with the people who have entrusted tremendous power to their government. If we can keep that faith, and bring justice to those seeking the opportunities in this country, then all Americans will benefit.

It is not so much that people "have entrusted tremendous power to their government"—but that government policymakers have seized far more power over private employers than most Americans realize. Federal civil rights policy presumes that politicians should be the ultimate judges of which opportunities each group of citizens should receive—that politicians and bureaucrats should have practically unlimited power to tilt the economic playing field in the direction of preferred players. Rather than creating equal opportunity, this process simply led to a general political confiscation and redistribution of opportunity.

The premise of modern civil rights law is that federal coercion produces a fairer result than the voluntary agreements of private citizens. And the EEOC will likely become far more powerful in the coming years. George Bush's Americans With Disabilities Act of 1990 is already a Pandora's Box for litigation and a delight for the trial lawyers. The ADA prohibits discrimination against the disabled, and the EEOC has jurisdiction over most ADA complaints. The EEOC has already issued numerous bizarre rulings expanding the definition of "disabled" (holding, for instance, that obese people cannot be discriminated against because of their fat). And because of the ADA, the EEOC now has the largest backlog of discrimination complaints in its history—over 80,000. It would be in the agency's character and should surprise no one if Clinton's EEOC decides to resolve the backlog the same way the Carter administration did the last time the EEOC fell similarly behind: by effectively ruling, without any hearing at all, that most of the accused employers are guilty as charged. ❐

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Edward Norden

Efrat Patrol

The West Bank in the wake of the Israel-PLO agreement—and the looming culture war over what these lands represent.

I

By the dimensions of their skullcaps ye shall generally know them. Israeli males who obey religious law, that is. The larger his knitted skullcap, the more apt the man or boy is to energize his religion with nationalism and vice versa, and to view the world in terms of good Jews, bad Jews, and *goyim*. Disciples of the late Rabbi Meir Kahane of New York and Jerusalem, for example, are identifiable by their giant, positively Islamic skullcaps. Conversely, the smaller the head-covering the more likely the wearer is to be a dove, for instance one of those American immigrants in a skullcap so tiny you notice it only from behind.

So where does Moti Krauthammer's skullcap fit in? The 20-something Moti, a distant relation of Charles Krauthammer who like his relative is in the news and opinion business, wears a quite large skullcap at home and at work. Yet no one in the know would take it for a badge of xenophobia. Because it is made of velvet, because its colorful pattern is as bright as a Caucasian rug, and because it is shaped like a Zambian musician's pillbox, it conveys nothing so much as relaxation.

A strange thing to be conveyed, perhaps, by a CNN producer and a husband and father in a rented apartment in Jerusalem who was agonizing recently over whether to buy a house in and move to the West Bank settlement of Efrat. Moti is an immigrant to the nerve-racking Jewish state from New York; his wife Debra is from Seattle. Like a good Jewish wife, she does without makeup and, because a married woman's hair is to be seen only by her mate, covers it with a baggy sort of wool cap. On the other hand, Debra casually fed the younger of the couple's two kids at the breast in the presence of a visitor, as the clean-shaven Moti and she discussed the pros and cons of moving to Efrat.

They were by definition Zionists—they had switched their lives from the Diaspora to Zion. But the further step they were considering now wasn't a matter of nationalism, religious or otherwise. If it were, they'd be thinking of one of those communes deeper into the ridiculously small West Bank, also known as Judea and Samaria, where you have to apply for membership and pass ideological muster. The Biblically resonant outpost of Shiloh, for example. Efrat, an incorporated town but fundamentally a bedroom suburb of Jerusalem, is open to anyone. For the Krauthammers, the dicey move there was a matter of quality of life and affordability. The sort of nice home they could buy in Efrat for $163,000 goes for half again as much in a decent neighborhood of Jerusalem. A bargain, and a gamble. On the one hand, American immigrants living in Efrat were quick to praise its schools and the atmosphere of community. On the other, they had let Moti and Debra know that it would be crazy for them to sink money just now in a place which, if

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the Israeli-PLO deal pans out, might be located inside a Palestinian state, together with Shiloh.

Granted, Efrat is in the so-called Etzion Bloc. This is a rather strategic and historically important cluster of Zionist settlements that goes back to before the U.N.'s partition of the country into Jewish and Palestinian states in 1947 and that the Israeli government farther down the negotiating road might balk at leaving. But who knows? Moti and Debra had called up Shlomo Riskin himself and he had advised them that no one could make up their minds for them.

II

Jump now to Efrat. It was an emergency action get-together, and in the Multi-Purpose Room of the main synagogue the angst of those who had come, the fury and determination not to be moved, were sliceable with a knife. The crowd of residents who had answered the call for this meeting was of a type. If all the men wore average-size knit skullcaps even when they weren't in this or any other of Efrat's numerous synagogues, all their womenfolk kept their knees and elbows covered and their dresses buttoned up to the neck winter and summer. It wasn't a question of fashion. You felt and heard everyone's anger growing as speakers updated the crowd on what the Israeli government was planning for them and for the other 130,000 or so Jews who in the last generation have moved to what the Bible calls Judea, Samaria, and Gaza and what mankind, with the exception of some Baptists, agrees is occupied territory.

Speakers updated the crowd on what the Israeli government was planning for them and for the other 130,000 or so Jews who in the last generation have moved to what the Bible calls Judea, Samaria, and Gaza and what mankind, with the exception of some Baptists, agrees is occupied territory.

The Israeli army, by the terms of the Declaration of Principles with Yasir Arafat's wing of the PLO, was supposed to have begun leaving the West Bank town of Jericho and parts of Gaza in mid-December. This was to be the first step in a pullback from most or all of the land taken in the Six-Day War, and of a process ending no one knows where. But problems over checkpoints and the boundaries of Jericho and the well-being of settlers in and around both places had cropped up and there had been one postponement after another. Those who considered the entire deal abominable hoped these problems would be fatal. But make no mistake, this group of Efratites was told. Prime Minister Yitzhak Rabin was set on overcoming all glitches in order to hand every last inch over to Arafat. Nor should autonomy, the interim period, and other such language of the declaration fool anyone. A Palestinian state, with everything it entails, was in the offing. The good Jews whom not only CNN but also the not-so-good Jews of Tel Aviv put down as settlers, as the main impediments to peace in the Middle East, were going to be left to twist in the wind. Crybabies, Rabin had called them. His government was set on translating the paper crafted in Oslo and the infamous handshake on the South Lawn of the White House into a PLO state under which Efrat and all the other new settlements of the Biblical Land of Israel would be doomed. This would not, however, only be the end of the settlements. It would mean the beginning of the end of the modern state of Israel, God forbid.

It wasn't too late. Call them settlers, call them pioneers, call them suburbanites, call them, as Efrat's chief rabbi Shlomo Riskin is prepared to do, Israeli residents of the disputed territories, call them whatever you like, they could rescue their country. The speakers tonight urged everyone not to be fazed by the government's stupidity and wickedness, or by the *intifada* whose favorite victims they were and which Rabin's pact with the ineffable Arafat had only intensified. They must not be tempted to run away by eventual offers of compensation similar to what evacuees from the ill-starred town of Yamit in the Sinai got a decade before. Provided they stayed put and moved heaven and earth, they could still open the eyes of their fellow Israelis, bring down the government, and save both their own homes and the whole endangered Zionist enterprise. Simply by remaining, they could block the advent of a Palestinian state.

The clean-shaven Rabbi Riskin was sitting front and center in the audience. If you will, he is the Brigham Young of Efrat. His wife Vicky, in her oversized beret, sat next to him, while his deputy, the luxuriantly bearded Israeli-born Rabbi Shimon Golan, communicated a plan of action worked out by the Council of Jewish Settlements in Judea, Samaria, and Gaza, and in particular by the local council here in the Etzion Bloc. Rabbi Golan holds the fort on the many occasions when Riskin travels back to the Old Country to raise funds. He spoke in Hebrew, although the mother tongue of a good half of his listeners, including the Riskins, was English.

The English of the streets of New York. Lincoln Square Synagogue in the cultural heart of Manhattan, a so-called "modern Orthodox" congregation, had been Shlomo Riskin's last posting before he and Vicky immigrated—or as they say in Hebrew, "ascended"—to this spot in the red-hot heart of Zion. Modern Orthodoxy implies sticking to Jewish law, customs, and Old World tradition and voting Republican, yet going to Harvard and keeping fully abreast of fiber optics, pro basketball, etc. As Efrat's founder and guide, Vicky's husband would have something to say this evening. For the moment, he just attended. Rabbi Golan's skullcap is toward the large end of the spectrum. He warned against a couple of tendencies. Anger and fear ought not to lead anyone into free-lance action, especially not into violence. The other mistake was complacency. Of the 900 families in the growing town of Efrat, only a minority were represented here tonight. Rabbi Golan: "Those of us who

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think it can't happen to us, that we're moderates, that the Etzion Bloc is too close to Jerusalem for the government to abandon, that the ordinary Israeli loves us any more than he does the 'crazies' in Shiloh or Hebron, is wrong."

Efratites suffering from false confidence had to be educated, he said, and then recruited for this planned open-ended campaign of demonstrations and propaganda offensives in Judea, Samaria, Gaza, and especially Israel proper. The ordinary Israeli, even in Tel Aviv, wasn't unreachable. But it was going to be a long haul. There would be a role for everyone. Staying put was crucial but not enough. Volunteers were needed for all kinds of things. Men interested in volunteering for civil disobedience should bring toothbrushes and phylacteries because they were likely to be jailed. Stirrings in the audience. Remember never to resist an Israeli soldier. "The soldier in the field is not our enemy," Golan concluded.

Utter respectful quiet for Shlomo Riskin. Watchful and jolly, a fleshy man with a very healthy color who looks unrabbinically lowbrow due to the placement of what appear to be hair transplants, he simply posed the question in Hebrew, food for thought, whether any splits had opened up yet in the Labor party, Rabin's party. After which many people signed up with Rabbi Golan before walking or driving home in the dark. Vicky took the wheel of the Riskin Volvo with its chicken wire over the windshield.

III

In daylight, you find that the older sections of the eleven-year-old town of Efrat are beginning to look not so raw. You come across flowerbeds, lawns, trees big enough to stand on their own. Lots of children, lots of dogs barking exclusively at Arabs. Each neighborhood is called after one of the Biblical species of fruit "with which," as a glossy bilingual prospectus for couples like Moti and Debra says, "the Land of Israel is blessed"—fig, date, olive, pomegranate, and so on—and has not only its own kindergarten but at least one synagogue, so that residents may go on foot with their youngest children to worship on the Sabbath. Ditto for the neighborhoods under construction by the Arabs and those projected in the master plan envisioning a population of 4,500 families, the family and not the individual being the smallest unit Jews who cover their heads plan for. The day after the meeting, the usual Palestinians were continuing to build Efrat. From Bethlehem these stonemasons and carpenters and sub-contractors with their own cement-mixers come, from Hebron and Kefar Aroub and especially from the village of Wadi Nis, whose vineyards abut Efrat's tennis courts and whose minaret tops a nearby hill. Rabbi Riskin will tell you that relations between Efrat and Wadi Nis are great. And sure enough, if you interrupt the men at work they will echo him. Only among themselves do these Arabs refer to one of the larger places they have built for the Jews as "Abu Amar's House," Abu Amar being the half-shaven Arafat's nickname.

Virtually the only adult males in Efrat on weekdays are these Palestinians. Of course, a few Jewish men are to be found in the municipality offices, minding the video and pizza and variety and grocery stores on the mall, and in front of blackboards teaching the boys in the high school. But for the most part the men of Efrat leave for Jerusalem six mornings a week to earn a living for the family.

The big city is ten miles distant as the bird flies, its skyline visible over the rocky hills from behind the pre-fabs where the Russians live. You can almost make out the building where Moti and Debra rent, and this reminds you that analogies are only helpful up to a point. Like the Jews in this portion of the Land of Israel, the French *colons* in Algeria felt at home and were repeatedly assured by successive governments in Paris that nothing bad would be allowed to happen to them. And like the Israeli settlers, the Unionists in Belfast are patriots, loving their queen better than Londoners do. Which did not prevent De Gaulle from selling out the *colons* and is not preventing John Major from heaving Ulster overboard. A time comes when the mother country gets tired of the wretched business. The loyal *colons* or Protestants or settlers become a pain in the neck and the man in the street in Paris or London or Tel Aviv has to be encouraged by his government to become even more alienated from the crybabies overseas than he already is.

Only among themselves do these Arabs refer to one of the larger places they have built for the Jews as "Abu Amar's House," Abu Amar being Yasir Arafat's nickname.

Except that the Jewish crybabies and the Palestinians in the West Bank are not separated from Israel proper by the Mediterranean, the Irish Sea, or any other body of water. The analogy, in other words breaks down over two facts—one historic, the other brutally geographic. Withdrawing the IDF and explicitly or implicitly ditching Shiloh and Efrat puts Arafat in sight, and from Bethlehem in mortar range, of Jerusalem. The country between the Mediterranean and the Jordan River is so small and crowded, and is liable to remain so contested, that a more precise analogy may be to Lebanon or Bosnia.

Anyway, nearer still to Efrat you have the sprawl of Bethlehem, once Christian, now primarily Moslem. Between 1948 and 1967 the armistice line, the so-called Green Line between the West Bank of the Hashemite kingdom of Jordan and the miraculously resurrected Jewish state, was threaded between Jesus' birthplace and Jerusalem, and maybe that is where the Israeli-Palestinian border is going to be drawn for the millennium. Even nearer, you have the other settlements of the Etzion Bloc, quite important in the history of Zionism, some wiped out in 1948 and rebuilt after the Six-Day War in 1967, some founded from scratch in the last decade or two,

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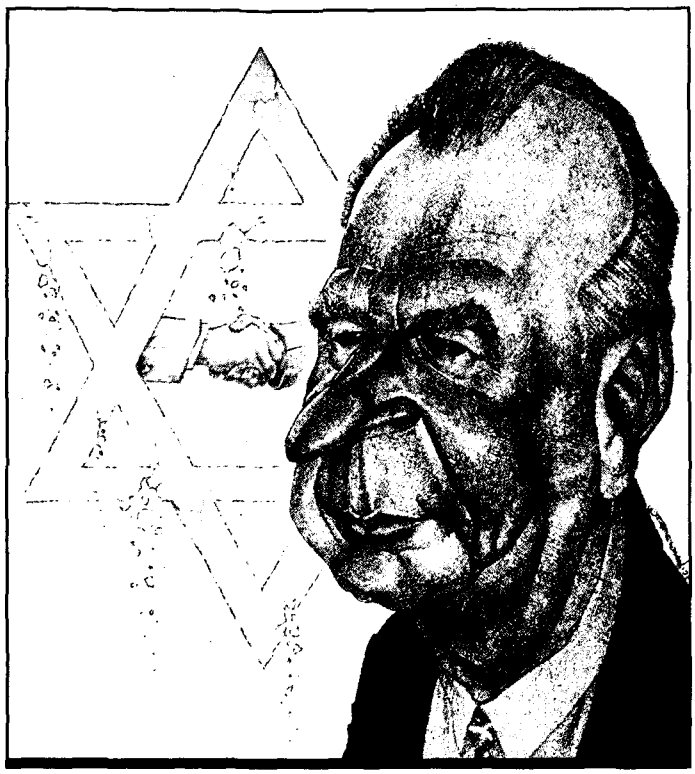
like Efrat. Historians say that the local Palestinian villagers during the 1948 fighting did away with as many of the Bloc's defenders as they could and hawked photos of the bodies with sexual parts cut off in Jerusalem.

The place-name Efrat pops up in the Bible, usually in connection with Bethlehem, as in the Book of Micah, Chapter 5, Verse 1. Dehaishe never pops up, the Palestinian refugees and their U.N.-administered camps being post-Biblical. The camp sits along the main road just south of Bethlehem. Over the years, a number of Efrat adults and children have gotten their heads broken by rocks thrown from Dehaishe. Short-term, the answer was to put chicken wire over windshields. Long-term it's to lay a new highway from the Etzion Bloc to Jerusalem that skirts Bethlehem and the camp. The Rabin government, while tightening the budgetary screws on all the settlements, is carrying on the work begun under Yitzhak Shamir, and from Efrat you can see the monster earth-movers trailing plumes of blood-colored dust. But since the terrain is difficult, the Dehaishe gauntlet will have to be run for some time to come.



Nothing about these unpleasantnesses in the shiny prospectus. Nor about the fact that Efrat, "one of the most sought-after communities in Israel," has until now been left even by the governments of Menachem Begin and Shamir as a kind of extraterritorial island or enclave or pocket outside the Jewish state. The West Bank and Gaza pioneers really all live on an archipelago in a sea of ever-more-assertive Palestinians. Nothing concerning Wadi Nis either, and the demographics of Riskin-ville are finessed. "The current population [of Efrat] represents every age group, the religious and the secular." That might qualify as false advertising if the selling points under "Educational and Cultural Institutions" didn't let the cat out of the bag. Actually the high school is a yeshiva, i.e., a religious academy for boys: they and the girls of Efrat, unlike their foul-mouthed secular Israeli counterparts, are segregated at puberty, and the Arabs have broken ground for a rabbinical school.

Open to all, Efrat is populated solely by Jews who cover their heads. Even the ex-Soviet immigrants who fetch up here don skullcaps to blend in. Furthermore, while about half of the Jews in Israel are Sephardim, meaning very roughly that their grandparents come from Asia or Africa, the sharp-eyed visitor gets the impression that although there is a synagogue where the Sephardi rite is observed, at least nine out of ten of the people in town have Ashkenazi grandparents, meaning very roughly that they came to the Land of Israel either directly from Europe or via the U.S. As easy-going as Efrat is compared with many other settlements, it's Rabbi Riskin's baby, and the sameness of its self-selected population illustrates the following truth: the God-fearing minority among the Ashkenazi Jews of Israel and the Diaspora are the ones who have staked their all on the proposition that henceforth only Jews must be sovereign in the very heart of the land promised to them in the Bible.

The prospectus also woos newcomers by touting Efrat's "atmosphere of friendship and serenity." Well, yes, even in these unusually stressful times, and especially compared with Israel proper, Efrat on the surface is peaceful, mellow, civilized. The male adolescents in sweatshirts, jeans, and running shoes honing their brains on Talmudic puzzles in the yeshiva/high school are definitely human compared with their bare-headed age-mates in Tel Aviv, no better than Hebrew-speaking Beavises and Buttheads. They learn not only Talmud but chemistry, you'll never hear a curse word in Hebrew, English, or Arabic dropping from their lips, and during recess bobby pins keep their skullcaps from going flying as they play a hard game of basketball. Rabbi Riskin has arranged for Earl "The Pearl" Monroe, ex-Knicks star and NBA Hall of Famer, to teach in Efrat's strictly kosher combined basketball, karate, and Talmud summer camp. Efrat is Shlomo Riskin's modern Orthodox baby in the Promised Land. If, unlike in other settlements and hanging from some balconies in Israel proper, you see no "RABIN TRAITOR" signs here, it's because even those Efratites who believe that the prime minister should be put on trial wouldn't dream of challenging the founder's approach. The most you'll see are decals on windshields stating "THE LAND OF ISRAEL IN DANGER!" or "WE'RE NOT MOVING FROM THE GOLAN!"

IV

Around midnight in the Riskin kitchen. Both Vicky, who was brewing decaf and serving cake, and the rabbi, who was telling a visitor something about his childhood, had had the usual full day. It seems that Shlomo Riskin doesn't come of especially Orthodox or Zionist stock. His parents, who eventually followed him to Efrat, did put him through

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a bar mitzvah, for which his paternal grandfather gave him a copy of *Das Kapital*. The old man was "an idealist, and I loved him very much," said the rabbi. Later he discovered Judaism and Zionism, the first in his opinion necessitating the second. "Whatever happens in the Diaspora is a footnote to Jewish history," he declared cheerfully as Vicky listened. "I can't conceive of being Jewish in our times and not joining the adventure of Israel. This is also what Jewish tradition wants of us."

Why had he come to this side of the Green Line when he ascended, when he fulfilled the religious obligation to settle the Land of Israel? The rabbi answered that he hadn't given it a thought. Or rather, he knew the Etzion Bloc was in territory the world considered occupied, but everybody who counted in Israeli politics had flashed him the green light. This included Begin and Ariel Sharon, needless to say, but also Rabin and Foreign Minister Shimon Peres during their earlier stints in the 1970s as Laborite prime minister and defense minister respectively. "They'd come to Lincoln Square when they were in New York and when I asked them whether I ought to build Efrat here they said yes, because there was a national consensus on keeping the Etzion Bloc." Vicky bustled, listened, bit her tongue.

The rabbi went on: "I would've done it anyway, because I believe Jews have a right to settle anywhere in the Land of Israel. If we don't have that right in Judea and Samaria we don't have it in Tel Aviv. But I felt better with everybody's OK. Remember this place was created with the help and blessings of the Israeli government. If Judea and Samaria hadn't been annexed yet, I believed it was only because the world didn't allow it. Someday they would be, and Efrat would officially become a town in Israel."

The wall phone rang. It was Israel Radio, setting up a live interview for the breakfast show in another seven hours. A ruling by an ex-head chaplain of the army to the effect that soldiers could refuse orders to dismantle settlements was going to be the main topic.

Vicky said while the rabbi was on the phone: "Of course Efrat is in Israel! The army is here! Our boys serve in it! And we pay our taxes!"

Yes, the rabbi said after hanging up. Because in his opinion the deal with Arafat and especially the dismantling of settlements put Jewish lives in danger, he'd agree that soldiers who obey religious laws, like his own two sons, have the right and duty to refuse such orders if ever they are given, but only if they are prepared to go to jail and "do not lift a hand" against the Israel Defense Forces. Non-violent resistance, sweet reason, and moderation are Shlomo Riskin's bywords. Rabin was mistaken but not a traitor. No violence ever against other Jews, and no violence against Palestinians either. It was absolutely wrong to kill or hurt innocent Arabs or damage their property as a few settlers elsewhere had done. Of course he prays for the Israeli-PLO deal to collapse, because, as he told his bare-headed visitor, to appease a violent man like Arafat is to hasten the next war. And, he said, he expects the deal will fail thanks to its contradictions. The Israeli negotiators in Oslo had paid less attention to the infernal details than the rabbi would if he were buying a house. Furthermore . . .

"A bunch of political science professors!" Vicky broke in. "They had a wonderful time giving everything away!"

"Furthermore," the rabbi said, "this puts the fate of the country in the balance. It's not right for the government to do this when it has to rely on Arab parties for its Knesset majority."

But is it really forbidden by religious law, he was asked, to give up any part of the Land of Israel for any reason whatsoever to non-Jews, as that same ex-head chaplain of the army had ruled? "No," Shlomo Riskin answered to his wife's dissatisfaction. "It's only forbidden to give it up to idolators, and the Moslems are not idolators. For peace, compromise is acceptable."

The late-night visitor actually found it less difficult than pulling teeth to get the rabbi to declare on the record that if the PLO changed, if the Arabs repented as the Book of Jonah says the Assyrians did, if giving up sovereignty over these disputed territories was the cost of genuine peace, he for one would rethink his position while, of course, staying in Efrat, and it wouldn't be a catastrophe. Spiritually, all parts of the Land of Israel remain holy, the fittest place for a Jew to live, no matter who the temporal ruler. But the Arabs hadn't changed . . .

Rabbi Riskin has arranged for Earl "The Pearl" Monroe, ex–Knicks star and NBA Hall of Famer, to teach in Efrat's strictly kosher combined basketball, karate, and Talmud summer camp.

Vicky: "That's right! They have no tradition of democracy!" Rabbi Riskin covered his face with his hands. Vicky continued: "Non-Moslems in Arab countries are third-class citizens! That's what we would be here! But the government doesn't care! We're not the beautiful people in Tel Aviv! We're 'settlers' for them! Well, the quote-unquote settlers and the Arabs are going to make sure that this deal fails! As soon as the army leaves Gaza it's going to explode! Just wait and see! Not Jericho, because Jericho is bourgeois, but Gaza is going to explode!"

"Vicky! Vicky! I'm trying to say something!" What he now added was that what the *intifada* couldn't do, the Israeli government had done. The population of his town had quadrupled between the start of the Palestinian uprising in 1987 and the ceremony at the White House. Since then, although new families continue arriving, growth has slowed to a crawl.

V

The Israeli army is indeed in Efrat. Or to be more precise, it's over and around it constantly, and every night before the pizza shop closes you'll see a couple of jeeps with chicken wire over their windshields pull up and the bareheaded troops pile out for a Coke and unavoidably kosher

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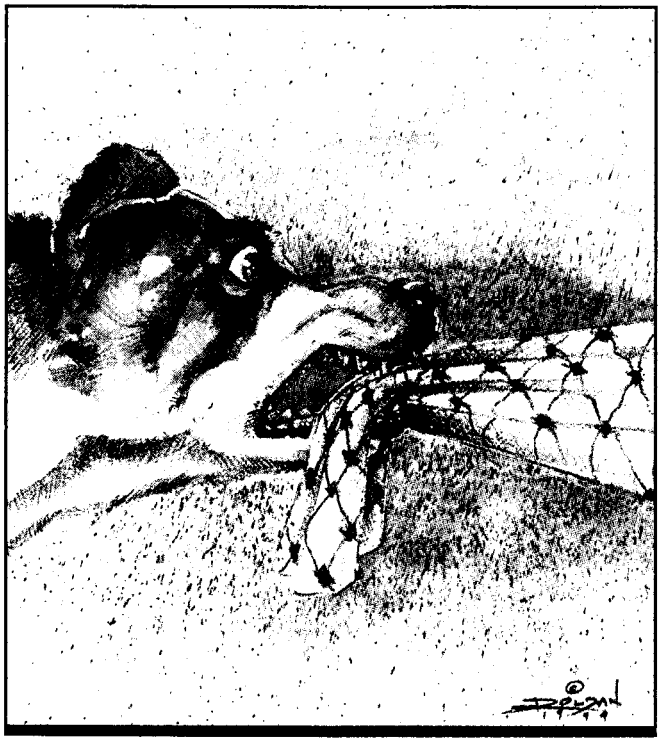
pizza, meaning only vegetables and no pepperoni on the cheese. Or they patronize the falafel and shishlik place, equally kosher. The well-equipped vehicles will patrol all night on the Jerusalem-Bethlehem-Hebron-Beersheba highway below and in problematic villages roundabout like Kefar Aroub. It gets cold at night here in the Judean Hills. The troops wear parkas over their flak jackets. They rip into the pizza, these corporals and second lieutenants, draftees from Israel proper doing a job no Beavis or Butthead would get caught doing, their weapons stashed under the table, a field radio crackling, the jeeps outside loaded with gear—jerry-cans of steaming tea, flares, steel helmets, tear-gas canisters, a searchlight, a megaphone, plastic handcuffs, a gizmo out front to neutralize any piano wire strung across a back road. The bare-headed young rather loudly joking soldiers wipe their mouths and leave to guard the Riskins and their flock as they sleep.

Around dawn, the call to prayer from Wadi Nis's minaret. An hour later, morning prayers at Efrat's numerous synagogues. The Palestinian hard-hats show up at the same time the adult male Efratites and not a few of their wives head out for Jerusalem and their day's work as doctors, lawyers, accountants, teachers, computer programmers, insurance salespersons. The settlers' pubescent daughters are off to their own high school in their uniform of ankle-length denim skirts but with hair uncovered, since marriage for them is still to come. No hanging out with the yeshiva boys.



Reasonably good business at the supermarket, where a good-looking young Arab unloads produce and the housewives pushing baby carriages select winter fruit grown around Jericho. A half-shaven Arab grandfather or great-grandfather, a man with a broom who perhaps did not approve of what other villagers did to the bodies of the Jews in 1948, has a transistor strapped to his trashcan-on-wheels. It is tuned to the news and music of Radio Jordan. The king of Jordan has recently expressed his impatience with Arafat and his eagerness to sign on the dotted line with the Israelis. Elsewhere someone has on Channel 7, the religious channel of Israel Radio, and the Hebrew song you hear it broadcasting more than once in every 24-hour period this winter is a bouncy number entitled, "Here Comes the Messiah!" A little girl in a denim skirt kisses her puppy, a mutt. A young Arab buys a lottery ticket in the variety store. The cash register of every place on the mall is flanked by charity boxes. A bulletin board at the entrance to the municipality offices. "Seeking Nursemaid" is one of the notices. "Pistols for Sale" is another.

You do see a few pistols tucked into civilian belts in Efrat, but no Uzis. The native-born customer picking up something in the photo-*cum*-video store is unarmed. He professes not to be worried, not in the least. This is the big crisis which he's seen coming for years. The one between the believing and the non-believing or secular Jews. As the latter don't believe in anything, as they have lost their nerve and moral compass, he has no doubt who will prevail but it may take more years and meanwhile he finds himself needing to buck up those around him in this community who may be better educated and less stalwart than he is. The store carries *Sex, Lies and Videotape*, *Citizen Kane*, *One Flew Over the Cuckoo's Nest*, *Scent of a Woman*, *Ghostbusters*, *King Lear*, but no porn. The customer sings the praises of the rabbi who caused a small uproar in Israel proper by advising believing soldiers to disobey certain orders.

Several times daily a military chopper on patrol or ferrying brass thumps overhead. The dogs of Efrat pay no attention, yet when a Red Crescent ambulance wails up the highway with its Arab casualty or casualties of the *intifada* bound for East Jerusalem, they howl. Day care for working mothers lasts until either one or four in the afternoon. The lending library opens at four and has Kafka in Hebrew and Stephen King in English. A spanking new gymnasium was funded by the lottery and by Jim and Mary Pattison, *goyim* based in Vancouver. The Wadi Nis men knock off an hour before sunset, the Efrat commuters anxious or complacent about the future return via Dehaishe, there will be prayers in the mosque and the synagogues, the ever-cheerful Rabbi Riskin will lead an evening Talmud class for grown-ups, the soldiers will enjoy their pizza, a mother will tell her child in English to go to bed and be answered in Hebrew, another day and another night will pass into history.

VI

Chances are good that in the relatively near future, Vicky will be proved right. All the early glitches in the Israeli-PLO deal, which Rabin, Peres, and Arafat are fairly sure to overcome, are nothing compared with the mess to be expected when the Israel Defense Forces try to hand over Gaza and Jericho this spring and Palestinian elections are held there and elsewhere in the occupied territories this summer. Gaza may well blow up in a Palestinian civil war, as Vicky predicts without sorrow—the clownish Abu Amar, plucked from history's trashcan by the Israelis in hopes

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that he will squelch the *intifada* and facilitate peace treaties with Jordan and Syria, is no great hero in what is basically one enormous refugee camp. Nor is he tremendously popular in the West Bank. His faction may be outvoted in both places by the Islamicists and the Rejection Front of George Habash and Company. What destination for the peace train if men who still frankly declare that there is no room for a Jewish state in this part of the world get the democratic nod?

Americans should not be thunderstruck if Rabin and Arafat jointly announce that, in the interests of peace, they have decided to put the elections off *sine die*. But what standing would Arafat have then, and how will he be able, as the Israeli government and public hope against hope that he will, to prevent chaos and keep the rejectionists with their AK-47s from continuing to go after Israeli troops and the settlers during the so-called "interim" period of autonomy? These are questions that probably deprive Rabin of sleep.

As they do all his countrymen who are not the silliest of doves, which is to say that not only the settlers but the majority of Israelis today look to the future with more than their usual nervousness. And yet, unlike the Riskins, a palpable majority of Israelis do not think what their government is up to is utterly stupid or hopeless, and do not pray for its collapse—not yet, anyway. Call it a failure of nerve, call it the triumph of hope over experience, most Israeli Jews are still going along unenthusiastically with this huge wager. The mowing down of settlers in a drive-by near Hebron, the stabbings of Jews by Arabs in Israel proper, and the string of delays in the Oslo schedule notwithstanding, they are letting Rabin go ahead. Nor would any such effective majority be possible if it didn't include a lot of certified right-wingers. You have among them your Sephardi taxi-driver and his upwardly mobile kids, and your bareheaded Tel Aviv suburbanite Likud middle-aged Ashkenazi businessman who's sick of doing reserve duty in fetid Gaza and intrigued by the economic consequences of peace with the so-called Arab World.

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Cynical as most Israelis have become, most do not yet believe that peace is worse than a chimera or that the slogan of land for peace is necessarily an empty one. They have the precedent of Begin's treaty with Sadat, in its time lambasted by the same fraction of their countrymen who now vilify Rabin, but which so far has abided—cross your fingers the Islamicists don't junk it if and when they oust Mubarak. The Egyptian peace treaty involved returning the Sinai down to the last grain of sand, and razing the settlements built there after the Six-Day War. Is Sinai or any corner of it part of the Land of Israel? On this as on many other things you can find rabbis with contrary opinions. The point is that for most Israelis the religious-nationalistic duty to hold on to as much of the Land of Israel as is in hand is not overriding or even very important. A less abnormal and safer life, finally—in a country whose banner features the Star of David, to which any Jew may immigrate, and whose capital is Jerusalem—is what they desire. They suspect those who use the Land of Israel as a rallying cry of nursing other agendas.

A healthy suspicion. Many skullcapped Israelis do cherish a very different idea from most of their bareheaded countrymen about what the half-formed Jewish state ought to be. A true Jewish state for them would vest less authority in the Knesset, more in the rabbis—and not such genial Upper West Side rabbis as Shlomo Riskin, either. If you wanted to eat bacon or purchase a Madonna video, you'd have to do it abroad. Such a country would go out of its way to be different, abnormal if you like, since the Jews are a people commanded to dwell apart forever in order to endure and carry on their divine work. Peace might only encourage them to slack off. From this angle, a miraculous Israeli-PLO success in the months and years to come is nearly as undesirable as withdrawal followed by Arab double-crossing and war. Trade with Qatar? Relations with the Vatican? Weekends in Damascus? Who needs it?

The debate over Judea and Samaria, which has been going on theoretically since the day after the Six-Day War and is now coming to a boil, has never been only about security, about high ground on this country's mountain ridge and lines of fire and sufficient time to mobilize the reserves for all-out war. It also springs from and drives a culture war among Jews in their ancient brand-new state. What are we here for? What is or should be the meaning, texture, function of a Jewish state? How much democracy, how much theocracy? How close to Sweden or the U.S., how close to the ayatollahs? Must we have sovereignty come what may over every hill where prophets, judges, and kings spoke and wrote in Hebrew? Everyone agrees that Judea and Samaria with Jerusalem in the middle constitute the heart of old Zion. Yet even bareheaded Likud politicians like Sharon and Benjamin Netanyahu, who deplore Oslo while squabbling among themselves, and eat what they please when not dining with their skullcapped allies, know their Likudniks and Israelis in general well enough to play up the military risks of the Labor deal with Arafat, not the Bible.

The shrewder of the rabbis and laypersons directing the PR campaign for the Council of Jewish Settlements also know their Israelis. This is why, in coordination with the disorganized Likud, they have been focussing on the Golan Heights. Your Israeli man in the street is more worried by Hafez Assad's tanks and Scuds than by Arafat. Moreover, Labor kibbutzim will have to be sacrificed if the Golan, also captured in 1967, is exchanged for peace with Syria—the Knesset annexed the Golan in 1981, yet what the Knesset has done it can undo. The settler activists, never exactly prize-

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winning democrats, claimed that Rabin's one-vote majority in the Knesset gave him no right to sign a future deal with Assad without getting an okay from "the people." Now that Rabin has promised a referendum before finalizing any Golan deal, the way is clear for insisting on a referendum sooner or later on the final status of Judea, Samaria, and Gaza too.

Referendums worldwide usually are passed, the government choosing the wording and timing. The Labor government today sees no need for one concerning the West Bank and Gaza, nor for a general election, the Likud being weak but the national mood jittery and changeable. Why put the Declaration of Principles at more risk? Yet there may come a time before the next elections in 1996 at the latest when a referendum on the heart of Zion and the destiny of the settlements there will become more than politic, will be necessary to forestall schism.

Oslo and the Handshake may turn out to be a stroke of genius, or the worst blunder an Israeli government has ever made. They will turn out to be the first if, Palestinian state or no Palestinian state, they force the other Arab states into a race to make peace with the Zionists. They will be the second if at the end of the day the IDF will simply have retreated to a place where the Moslems can more easily continue their generations-long war against the now-demoralized Jewish state in their midst. Since the age of prophecy is over, it takes a fool to say what baby is emerging from the womb. It's clear, however, that this birth is going to be drawn out and bloody, and that there's no going back—even if Netanyahu becomes premier, he wouldn't be able to repudiate Oslo, but only to try to make the best of it.

The anxious confusion ahead is going to strain, even maybe tear apart, the Labor party too, for not all the Laborites are happy about a Palestinian state minutes from Tel Aviv or confident that Israel can abort it. Laborites have also begun to split over the morality and wisdom of clearing the settlers from all evacuated territory. If they have never agreed with Sharon that the settlements are Israel's first line of defense, some Laborites do believe that when swords are beaten into plowshares Jews ought to be able to live in a more or less sovereign Palestine as Arabs live in Israel, and, these Laborites being patriotic, pragmatic Zionists and reserve officers in the army, they fear what could happen if the IDF is ordered to bulldoze Shiloh or Efrat as it did Yamit.

In the disorder and near-panic that Vicky Riskin foresees, it is hardly imaginable that Rabin will be able to govern with a one-vote Knesset majority. The bloodier the confusion and the longer this birth takes, the more likely it is that secular Israelis will be persuaded that the deal is not only a sin but a terrible mistake. Once this government has no effective consensus in the street, anything can happen.

If a Palestinian civil war in the areas to be vacated by the IDF is a distinct possibility, a Jewish civil war, on the face of it about withdrawal but really about the Jewishness of the Jewish state as well, is not inconceivable. There is for most Israelis no prospect more dreadful than Jews spilling each others' blood. Every child knows without having read the traitorous Flavius Josephus that the last time the Jews had a civil war, they lost this country and their political independence for nineteen centuries. Few adults, even over where the far left and far right touch, crave a repetition. The big test will come in the IDF. This is a citizens' army where virtually every Israeli Jewish male except the so-called ultra-Orthodox serves three years as a draftee and then at least a month as a reservist annually until all his hair is gray. It was a few hundred far leftists in the 1980s who pioneered conscientious objection in this army by going to jail rather than serving across the Green Line. If no more than a few hundred far rightists now go the same route for opposite reasons, and provided the taboo against Jews firing on other Jews holds even when settlements may have to be emptied, the rather flexible IDF and therefore Israel should come through in one piece.

There is no guarantee that taboo will hold. Much depends on how much disorder there is, what humble gifts the bareheaded politicians reveal, and who among the rabbis exerts the most authority over people whose trust is supposed to be in God.

VII

Moti and Debra Krauthammer have made their choice, sort of. They decided to go ahead tentatively when the contractor said they could put a deposit on their Efrat dream house in escrow for three months, with no obligation. If after three months they change their minds, they can have all the money back. It was too good a deal to refuse. Moti has convinced himself that Rabin wouldn't be building the new highway around Bethlehem and Dehaishe if he didn't mean to annex the Etzion Bloc. Until that road is finished, though, he, Debra and the kids will be living in Jerusalem. ❐

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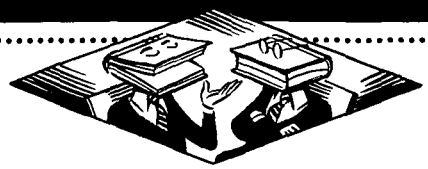


Dr. Spinquote

by Victor Gold

I'm not going to disguise the fact that I despise Ronald Reagan.

—Justin Kaplan, editor of *Bartlett's Familiar Quotations* (16th ed.), quoted in the *Philadelphia Inquirer*

Lincoln and Teddy Roosevelt aside, Republican presidents have caught very few breaks from the Judgment of History, and for good reason: the court is packed.

Every few years a distinguished claque of trendy historians hands down a dictum on which American presidents it considers Great and Near-Great. The results are invariably the same: Washington, Jefferson, Lincoln, and Franklin D. Roosevelt are judged Great; Jackson, T. Roosevelt, Wilson, and Truman are judged Near-Great.

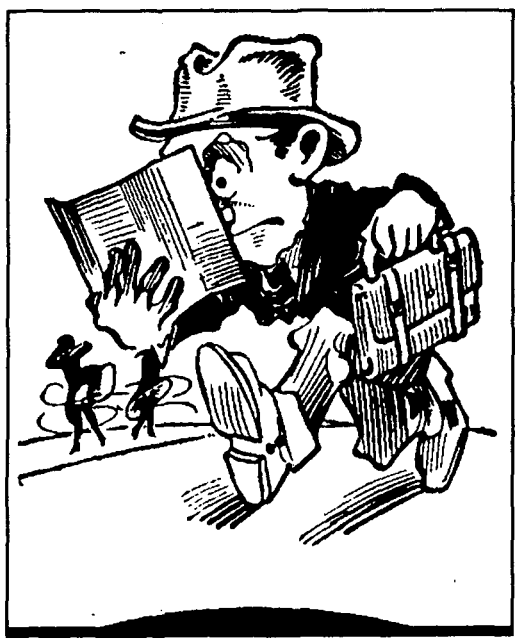
That these renditions are empirically inane, on the order of college football polls, goes without saying. But there is no denying their contribution to what Bob Tyrrell aptly terms the *Kultursmog*, in this case a port-skewed perception of what the American people ought to look for in choosing a president.

Predictably, conservatives rail against these putative judgments, firing letters of dissent to the usual suspects: Arthur Schlesinger, Jr., James MacGregor Burns, the *New York Times*, the *Washington Post*; predictably, the letters find a home in the Dustbin of History. The perception, however, remains.

It's an old story. Conservatives may not be "the stupid party," as some nineteenth-century Michael Kinsley once said, but they do have a bull-like penchant for frontal rather than oblique attack. With few exceptions, they lack what, in the parlance of the boxing gym, is called "lateral movement"; which in this case would mean convening a fresh panel of judges, to give Calvin Coolidge his due by defining presidential "greatness" in terms other than having led the country through periods of war, famine, pestilence, or wage-price controls.

Adam Meyerson's ongoing assault on the latest (16th) edition of *Bartlett's Book of Familiar Quotations*, edited by Justin Kaplan, is the most recent case in point. Never before has a mere reference book—even one treasured by desperate Clinton speechwriters and over-reaching doctoral candidates—produced such a ruckus. But as the English quote-collector Nigel Rees points out in his newsletter *Quote-Unquote*, never before has a respected volume of "familiar quotations which have become household words" been so arbitrarily shaped to fit the political spin of its editor.

About that editor: Before his recent notoriety as the liberal grinch who stole *Bartlett's*, Justin Kaplan was best known for having written a biography of Mark Twain and married the daughter of Edward Bernays, the self-styled "father of public relations" and foremost American propagandist of his time. *Bartlett's* deserves better. For that matter, so does Bernays. As the patriarch of all spin doctors, the father-in-law prided himself on cosmopolitan subtlety, the rapier thrust, whereas his son-in-law, a hot-eyed ideologue in pedant's clothing, is more given to the Atlanta tomahawk chop, e.g.:



• *I confess that I was less than dazzled by the Reagan presidency and its rhetoric, but it occurs to me now that I am doing his reputation a favor by the selection I made as general editor of Bartlett's.*

—Justin Kaplan, responding to a critical *Wall Street Journal* editorial.

For those who, as with the Mapplethorpe exhibit, have only heard about, but never actually seen, what Kaplan did to *Bartlett's*, following is "the selection" that Kaplan considers the essence of Ronald Reagan:

• *Government is like a big baby—an alimentary canal with a big appetite at one end and no responsibility at the other.*

• *We're the party that wants to see an America in which people can still get rich.*

• *It's difficult to believe that people are starving in this country because food isn't available.*

Kaplan contends that these three quotations reflect the best of Reagan's rhetoric because, as he puts it, the 39th president "could not be described as a memorable phrasemaker or thinker," in that he used (are you ready for this?)

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speechwriters; a curious distinction coming from an editor who includes fifty-six quotations from John F. Kennedy and Franklin D. Roosevelt that more accurately belong to Ted Sorensen, Richard Goodwin, Sam Rosenman, and Ben Cohen.

But more: Kennedy and Roosevelt aside, which recent president do you think is Justin Kaplan's favorite phrasemaker/thinker—the White House occupant who, to borrow Kaplan's term, most *dazzles* him? Two hints from the new *Bartlett's*:

• *No poor, rural, weak or black person should ever again have to bear the additional burden of being deprived of the opportunity for an education, a job, or simple justice.*

• *The first step in providing economic equality for women is to ensure a stable economy in which every person who wants to work can work.*

Recognize the matchless bromidity? Why, it's that old dazzler Jimmy Carter, delivering lines which, as Nigel Rees suggests in his critique of the new *Bartlett's*, "one can hardly imagine ever having been quoted, or indeed, are ever likely to be."

Rees's criticism of the new *Bartlett's* pales, however, against that of Meyerson, editor of the Heritage Foundation's *Policy Review*, who sees Kaplan's bias as "an abuse of cultural power" and has written me (along with others of what Kaplan would call our right-wing ilk) seeking memorable conservative quotations omitted from *Bartlett's* 16th, for possible inclusion in *Bartlett's* 17th.

For the record, I consider Meyerson one of the brightest conservative bulbs around post-Reagan Washington; but in this instance he's missed the point. Kaplan's worst "abuse," his ultimate spin in bastardizing *Bartlett's*, isn't in the conservative but the *liberal* quotes he omitted.

Is Ronald Reagan (with quotes dredged from the 1960s) to be portrayed by *Bartlett's* as the Reagan caricature of liberal myth? Fine. Turnabout—a little lateral movement—is fair editorial play. What *Bartlett's* publishers should be deluged with are liberal quotations-in-kind. Herewith my first offerings—an even dozen—to be added to the Carter, Kennedy, and Roosevelt files.

JAMES EARL "JIMMY" CARTER
(U.S. President, 1977-81)

• *You can tell Kennedy I'm not going to kiss his ass.*
—On Sen. Edward M. Kennedy, campaign of 1976. One month later, at the Democratic National Convention in New York, Carter did in fact "kiss his ass."

• *"Killer Rabbit."*
—Reference by President Carter to a harrowing incident while bream-fishing in the Georgia lowlands, circa 1979.

• *. . . that great American, Hubert Horatio Hornblower.*
—On Senator Hubert Horatio Humphrey, acceptance speech, 1980.

• *Carter is your typical smiling, brilliant, back-stabbing, bull-shitting Southern nut-cutter.*
—Tribute to the 38th president by AFL-CIO President Lane Kirkland, circa 1977.

JOHN F. KENNEDY
(U.S. President, 1961-63)

• *Thank you, Marilyn.*
—expressing appreciation to popular film star Marilyn Monroe, on the occasion of her singing "Happy Birthday, Mr. President" at a Los Angeles gala. According to Miss Monroe, the same sentiment was repeated in the privacy of the presidential suite later that evening.

• *I didn't think Diefenbach was a son of a bitch. I thought he was a prick.*
—to friend Ben Bradlee, on Canadian Prime Minister John Diefenbach, 1962.

FRANKLIN D. ROOSEVELT
(U.S. President, 1933-1945)

• *Clear it with Sidney.*
—on the proposed nomination of Harry Truman as his running mate, 1944. The reference was to labor union boss Sidney Hillman, not Sidney Hook.

• *The goddamn thing won't work.*
—expressing displeasure with a recalcitrant voting machine, 1944.

• *I have said this before, and I shall say it again and again and again. Your boys are not going to be sent into any foreign wars.*
—Roosevelt pledge, campaign of 1940.

(For popular variations on this line, circa 1941-45, note the following:

• *I will not send your sons abroad. Let them get their own broad.*
—Comedian-mimic Joe E. Lewis.

• *I hate war. My wife Eleanor hates war. And my son Jimmy likes a little piece now and then, too.*
—ibid.)

And finally, one last dazzler Dr. Spinquote omitted from *Bartlett's* 16th edition that positively has to be included in *Bartlett's* 17th:

EDWARD MOORE "TED" KENNEDY
(U.S. Senator, 1962-)

• *On that, there's—the problem is—from that night—I . . . I found the conduct, the behavior, almost sort of beyond belief myself, I mean, that's why it's been—but I . . . think that's, that's—that's the way it was. That—that happened to be the way it was.*
—Clarifying the events at Chappaquiddick, to Roger Mudd, 1980. ❐

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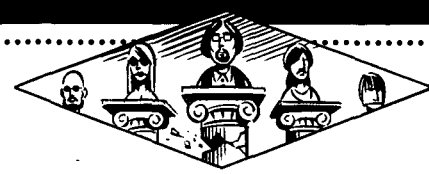

A Top Dog

by Stuart Reid

Peregrine Worsthorne. What a name! Say it loud and there's music playing; say it soft and it's almost like praying. It is not a name that these days opens many doors at 1600 Pennsylvania Avenue, but it will immediately ring bells in the homes of the few, the proud, the literate. *Sir* Peregrine Worsthorne—he was knighted in Mrs. Thatcher's resignation honors list—is known to readers of *The American Spectator* as an occasional (and explosive) contributor and a distinguished member of the editorial board.

Time magazine once described Perry—it is always Perry—as the William F. Buckley, Jr. of England, and that seems a suitably elaborate simplification. Certainly, like Buckley, he had a good Cold War. So brave was he in the field of combat, so indifferent to his own comfort and safety, that he once risked the wrath of liberal prudes everywhere by declaring that he would gladly spy for Washington if a far-left government ever came to power in London.

Perry is England's most celebrated and sensational conservative pundit. Since 1961 he has written a weekly column for the *Sunday Telegraph*, and was editor of the paper from 1986 to 1989. He quit the staff in 1991 and retired to the country with a fax machine and a second wife, the irrepressible Lady Lucinda Lambton (his first wife, the inimitable Claudie, died in 1990). In December he celebrated his seventieth birthday; in the autumn, the London publishers Weidenfeld & Nicolson brought out Perry's long awaited autobiography, *Tricks of Memory*, an elegant, entertaining, and indiscreet work.[1] It is also sexy and scandalous, in a way, one trusts, that a Buckley autobiography would not be.

This is not the place to go into mucky details, but one story is worth repeating here, to illustrate a cardinal truth about English conservatism: that things are not as they seem; that those who defend traditional values for a living often lead dissolute lives. In the mid-1950s Perry had an adulterous fling with a woman in New York, but his infatuation did not last as long as hers. Just before he returned home, unable to think of anything sensible to say, he suggested to the woman that she look him up sometime in London. To his dismay she followed him back, and took a flat in Eaton Square. Snooping neighbors noticed that she entertained men friends, among them Perry. There was no question of any (legal) impropriety, but the police were nonetheless tipped off, the flat was raided, and Perry, putting on his trousers with as much nonchalance as the circumstances allowed, spent several hours answering sneering questions from vice-squad officers.

Still, Perry took vice in stride. He went to Stowe, a rather thuggish public school, where he was mocked as a dandy, and passed through the usual pouting pansy phase. During the war he was a subaltern in the Oxford and Bucks Light Infantry. He was never in combat, but he saw quite a bit of action. In occupied Hamburg he found consolation in the bed of baroness. One night the baron, who had been serving on the Eastern Front and had lost a leg, arrived home unexpectedly and, being a gentleman, knocked on the door of the room in which Perry was being consoled. Perry grabbed his revolver and opened the door. The baron stared sadly at the young English officer, and at his gun, and limped away.

The story does not get any more edifying. In London after the war, he worked as an editorial writer for the *Times*, and made rackety friends, among them Henry Fairlie, whom he regarded as an intellectual and who ended his days sleeping on the floor in the offices of the *New Republic*. To his credit, Perry did not shine in the pages of the *Times*. In those pre-Murdoch days, it was not a newspaper; it was the wall sheet of the establishment. Before the war, it backed appeasement; after the war, the Democratic ascendancy in the United States. When in 1951 Perry was posted to Washington, he took the side of the Republicans and, even more shocking, warmed to Robert Taft and Joseph McCarthy. No hint of these "fascist" sympathies was ever permitted in the *Times*.

In 1953, frustrated by his lack of progress, he accepted a job at the *Daily Telegraph*. The move, he said later, was "like leaving the Brigade of Guards and joining the Royal Warwickshire Regiment." So much the worse for the Guards, in that case: the move did him nothing but good. The *Telegraph* was his natural home; no one there objected to his pro-American, anti-Communist conservatism. In those days, of course, nearly all English anti-Communists were pro-American (the same is by no means true today), but Perry's fondness for America was based on more than geopolitical considerations. He was convinced in the immediate postwar years that the United States was the seat of civilization. Here he is on the delights of New

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[1] 290 pages, $39.95. (Distributed in the U.S. by Trafalgar Square Publishing, North Pomfret, VT 05053; tel. 1-800-423-4525.)

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York in the distant days before Dinkins and Giuliani:

> When Americans like Henry James came to London at the turn of the century, they were enchanted by how much more civilized our social life was than theirs. In the 1950s it was quite the other way around. I felt I was entering a superior world— more sophisticated, better mannered, less vulgar, than anything I had ever experienced before. Compared to post-war London, where social life was in such a state of flux, it seemed marvelously settled in its ways; even old fashioned. New World, indeed! In so many respects New York in the 1950s had preserved more of the old social customs, courtesies, and rituals than had my native city.

Back in his native city he was spotted by Irving Kristol, who was then editing *Encounter* with Stephen Spender and began commissioning pieces from Perry. It was not until 1961, however, when he joined the *Sunday Telegraph*, that Perry's byline became a major draw. His editorial-page column soon became essential reading for anyone with two ideas to rub together. His trips abroad provided his new readers with entertaining, not to say racy, digests of world news, for in pursuit of a story Perry was ready to betray what most people would consider a confidence. In Rhodesia, for example, when staying as the guest of P.K. van der Byl, then a minister in Ian Smith's cabinet, he came across an open copy of *Mein Kampf* in German on van der Byl's drawing room table, and duly reported the fact in the *Sunday Telegraph*. Van der Byl still complains good-naturedly about this abuse of hospitality.

Perry was much more discreet in the case of President Johnson. This is how he recalls an occasion when he interviewed LBJ in Manila:

> LBJ led me across [his] room to the balcony which had a magnificent view of the neon-lit city. . . . He stood there for some moments looking down and I thought that . . . he was about to say something quotable about the future of Asia. Instead, he said, "Christ, Mr. Worsthorne, I sure wish I could join you down there for a night on the tiles." Before I had time to think what to say in reply there were loud rustlings and bangings from the suite's bedroom where . . . Ladybird was changing for that night's banquet. A broad smile then passed over the President's face and he put an avuncular arm around my shoulder. "Tell you something, Mr. Worsthorne," he said. "I don't truly envy you your night on the tiles. For I've got the nicest little lay in town right next door."

Perry decided not to include this line in the story he sent back to London, but even if he had it would never have been published. What Perry overlooks in confessing now to his unwonted restraint is that in the 1960s the *Sunday Telegraph* did not run stories about men "laying" women, even when those women were their wives. The paper might even have been reluctant to do so under Perry's own editorship. Perry is no prude—how could he be?—but as editor in such a case he might well

have decided that it was more important to protect the dignity of the president than to make his readers laugh.

Perry has always shown a tender concern for what he invariably refers to as "top dogs," but this habit is balanced by his sympathy for bottom dogs; not for the dregs of society, to be sure, but for outsiders. Hence his support for Taft and McCarthy. When an idea becomes too popular, or successful, Perry tends to ditch it. He does not like to be on the winning side. Consensus scares him the way garlic scares Count Dracula. He is perverse, and capricious. Like his mother, he is a rebel. She, a beautiful aristocrat, rejected her privileged background and devoted herself to left-liberal causes; he rejected his own left-liberal milieu and became a romantic High Tory. If the mood of the forties had been reactionary, he would no doubt have become a socialist.

Michael Oakeshott was a formative influence. Perry recalls how Oakeshott's essay, "Rationalism in Politics," published in 1947, changed his life. "No other piece of political writing has influenced me more," he writes. "I read it over and over again, returning to the library day after day to do so." Oakeshott taught him that all political theories—Hayekism as much as Marxism—were rubbish, and that only the half-educated felt the need for ideologies or political doctrines. Tradition was the only guide in politics.

Perry was never an ideologue. True, he supported Reaganism-Thatcherism, especially when blood was being spilled, but he has never been able to share the enthusiasm of movement conservatives for the market. In the eighties he coined the phrase "bourgeois triumphalism" to condemn the unacceptable face of Thatcherism. In the last days of the Soviet Empire he began to question some of the most cherished global assumptions of the anti-Communist right. In October 1985, for example, in a hefty article in these pages, he attacked the neoconservatives for overestimating the strength of the Soviet Union.

When the Wall came tumbling down, Perry rejoiced as much as anyone, but he was one of the first to warn of the dangers of anarchic nationalism in the East. In 1991, he caused outrage among liberals and conservatives alike by siding with Gorbachev when he sent troops into Lithuania. Towards the end of last year, in a piece headlined "When liberalism is the lesser evil," he bitterly denounced the "vulgar right-wing populism, with distinctly fascist undertones" of some sections of the Conservative Party.

Gad, sir, but he makes people mad. He is a brilliant anti-establishment journalist who yet likes to see himself as a member of the establishment: he was never good at interviewing cabinet ministers because he thought it undignified for one toff to cross-examine another. Among his colleagues he has always inspired anger and loyalty in equal measure. His charm is irresistible. Who will not warm to a man who in moments of distraction calls male colleagues "darling"? Perry has been blessed, and he knows it. The last sentence of his autobiography reads: "How lucky I am, beyond all measure and desert." Life on both sides of the Atlantic these past forty years would have been the poorer without him. ❐

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Gerryatrics

by Thomas McArdle

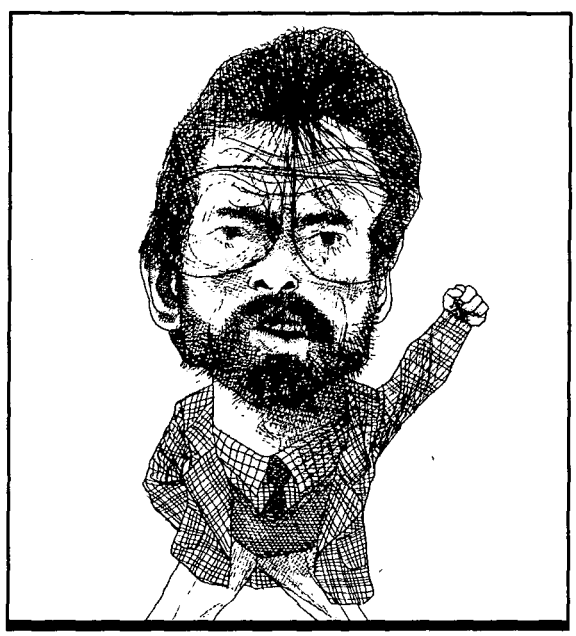
Bill Clinton has personally handed one of the most unsavory terrorist groups in the world, the Provisional Irish Republican Army, a propaganda victory they have wanted for decades. And for two ignoble reasons: to get back at the British Conservative Party for being too well-disposed towards Republican presidents, and as a favor to two powerful Irish-American senators.

Gerry Adams, the president of Provisional Sinn Fein, the IRA's political party, was allowed into America for forty-eight hours, supposedly so he could speak at an important conference to help the peace process in Northern Ireland, as the White House describes it. In fact, the Waldorf Astoria "conference," put on by the New York-based National Committee on American Foreign Policy, was just another chance for Northern Ireland politicians to proselytize. The audience was stacked with IRA sympathizers; by the time the event ended and the room was cleared for the press, Adams had not been asked a single hostile question.

During the rest of his stay, Adams skirted questions about whether he had been personally involved in any killing, and denied supporting the more grisly IRA murders of women and children. These questions have already been answered fully. It is no secret—except, it seems, to American journalists—that Belfast-born Gerry Adams joined the IRA as a teenager a quarter-century ago, and led its notorious Belfast Brigade until a 1973-77 imprisonment. In 1979 he became head of the IRA's Army Council, the seat of power for the entire organization. That was the year Lord Mountbatten was blown up on his yacht in Sligo, along with Mountbatten's grandson, his daughter's elderly mother-in-law and the 15-year-old Irish boy at the ship's helm.

Provisional Sinn Fein (Irish for "We Ourselves") came fully under guerrilla control only when Adams was elected its president in 1983, wresting leadership from a faction of Southerners. Adams became the pied piper for scores of former IRA men becoming active in the party, turning Sinn Fein's oft-stated mission into the seizure of power "with a ballot paper in one hand and an Armalite in the other." That the IRA's goal is not merely to run the Brits out but also to build a united socialist Irish Republic is rarely noted by U.S. media. Yet it helps explain why Sinn Fein gets so little electoral support north and especially south of the border.

Today's IRA are not Yeats's gunmen, the Irish Republican Brotherhood of Easter 1916. This IRA—supplied during the Cold War by the Soviet Union's proxies, and by Libya and other terrorist states—remains an unequivocally Marxist-Leninist organization. There are great fears in the South that a reintegrated North would be only the beginning, that the IRA would extend its campaign into the South to unseat its most reviled enemy: the squishy Dublin government that signed the Devil's pact with Britain to partition Ireland in 1921.



In New York, however, Adams was received as a statesman. "Of all the speakers here, you spoke the most concretely," he was told by one member of the NCAFP audience. "Welcome to our homes, as you have welcomed me into your home," gushed a woman representing a group called Voice of the Innocent. Adams's speech was filled with powerful soundbite bombs for the C-Span audience, telling how "Sinn Fein has also initiated a series of peace forums in Ireland."

What a contrast to the reality in ghettos like those of West Belfast, where the IRA is the Mafia, financed by extorting weekly levies from bars, nightclubs, taxicab companies, and the construction trade, and by engaging in tax fraud. Petty crimes, like teenage joyriding, are punished by "kneecapping," a low-caliber shot through the back of each knee, and for the more stubborn offenders the ankles and elbows as well, a "six-pack." A "50-50" is a bullet in the spine, with the victim's chances of survival about even.

The IRA's operations are impossible to maintain over the long haul without civilian atrocities. In November 1987, eleven Protestants were killed and sixty-three people injured during a wreath-laying for the dead of the two World Wars by

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an explosion in a Catholic social club in Enniskillen, in County Fermanagh. It was "aimed at catching Crown forces personnel on patrol in connection with the Remembrance Day service but not during it," according to IRA headquarters, but "blew up without being triggered by our radio signal." Still, *An Phoblacht*, the IRA's ubiquitous propaganda newspaper, insisted that "ultimately Britain is to blame."

Administration sources have admitted that President Clinton granted Adams a visa—reversing decades of policy of presidents of both parties, the State Department, the Foreign Service and the CIA—in order to deliver a plum to Democratic lawmakers, especially Senate Finance Chairman Pat Moynihan and Senate Labor and Human Resources Chairman Ted Kennedy, whose support will be vital for passage of Clinton's health care and welfare plans.

Irish-American pols like Moynihan and Kennedy, both of whom pressured Clinton to let Adams in, are not *pro*-IRA, unlike, say, Long Island Republican Congressman Peter King and Bronx Democratic Congressman Eliot Engel. They both take a soft pro–United Ireland stance, the safe thing to do in Boston or New York if you don't want to get booed marching in the St. Patrick's Day Parade. They thus are viewed with some distrust by the hard-core Brits Out movement in their states. But they do reap advantages from the pandering: Irish Northern Aid's Martin Galvin and the Irish National Caucus' Fr. Sean McManus both spoke kindly of the two senators in the course of Adams's visit. Moreover, both major Irish-American newspapers, the *Irish Echo* and the *Irish Voice* exalted the two senators as wise and courageous statesmen.

Nationalist leader John Hume played an even larger role in the visit. Hume, who sat with Adams at the New York conference, is the head of the Social Democratic and Labor Party, the non-IRA-supporting party that gets the votes of most Catholics in Northern Ireland. It was his talks with Adams that sparked this most recent Dublin-Westminster peace initiative, and Derryman Hume's reputation is on the line. Hume befriended Kennedy twenty years ago and is the Irish political figure taken most seriously by Moynihan and many other Irish-American Democrats. Clinton's visa for Adams can undoubtedly be traced directly to his influence. During the Waldorf conference Hume delivered his own propaganda, telling Americans that if the 44 million Americans who claim Irish ancestry would only give five dollars a week, "the Irish economy would go through the roof!"

Hume's political judgment in getting Adams into America could turn out to be as foolish as his economics. Sinn Fein at present gets less than 2 percent of the support of voters in the Irish Republic, and a minority of Catholics in the North. There have been times, however, when Nationalist majorities on both sides of the border have been more prone to extremism—like the last time an IRA member's face was plastered on the front pages of American newspapers, during the IRA hunger strikes of 1981. Bobby Sands was elected Member of the British Parliament for Fermanagh–South Tyrone while he starved to death in Long Kesh prison, and another hunger striker was elected to the Republic's Dáil.

It would be ironic if Clinton's claim of granting the visa "to push this [peace] process forward" resulted in greater legitimacy in Ireland for the IRA—goading hard-liners to scuttle the peace process, cutting the legs out from under Hume's moderate nationalists, and ultimately strengthening loyalist terrorists, too.

When Adams's flight back from the United States landed at Dublin Airport at 6 a.m. one cold morning last month, twenty members of the Families Against Intimidation and Terror (FAIT), an IRA victims' group, were waiting for him. One was Alan McBride, a Protestant whose 29-year-old wife and father-in-law were killed in last October's IRA bombing of a Shankill Road fish shop. "How can he say he is supporting policies of freedom, justice and peace when he supports the murder of innocent women and children?" McBride angrily asked.

Another was Maurice Healy, a 58-year-old Northern Catholic man kidnapped, stripped, tortured, and sexually abused for fourteen hours by the IRA, then judged "not guilty" of being an informer by a kangaroo court, but still ordered on threat of death not ever to roam north of Dublin.

"Did you tell the Yanks about the torture chambers?" Healy yelled. ❐

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An Embarrassment of Riches

by John Corry

The aftermath of David Brock's story about Bill Clinton was almost as good as the story. The press became nonplussed. How should it react to the portrayal of Clinton as Gov. Billy Goat gamboling through Dogpatch? At first, there was near-silence, but then came terrible screams. "A conspiracy, in my opinion, by right wingers," huffed Jack Nelson, Washington bureau chief of the *Los Angeles Times*. A "slimy magazine article," chuffed Paul Duke, the ordinarily affable host of PBS's "Washington Week in Review." Slime and conspiracy aside, though, was it possible Brock had uncovered something substantial? "Not to put too fine a point on it, but the story is trash," the columnist Joe Klein wrote in *Newsweek*. Not to put too fine a point on it, but *Newsweek*'s "Conventional Wisdom Watch" made a judgment, too: "D. Brock—Am. Spectator 'journalist' swallows any pond scum that fits his right-wing agenda."

And so on, and so on—"David Brock's dishonesty announces itself in his very first paragraph," the *New Republic*'s Michael Kinsley said flatly—not to mention the ruminations by Frank Rich. The former *New York Times* theater critic warmed up in the *Times* Sunday magazine by suggesting Brock had "political castration fantasies." Shortly afterwards, he got down to business in his new op-ed page column: "The slightest sighting of female sexuality whips him into a frenzy of misogynist zeal. All women are the same to Mr. Brock: terrifying, gutter-tongued sexual omnivores."

Rich also wrote that Brock "idolizes" one of the Arkansas state troopers he interviewed for his story, and as proof quoted Brock's description of the trooper: "tall and trim, with the upright demeanor and closely cropped hair of a military officer." What was this all about? Rich later denied it, but Brock, who is gay, was quite sure he was being "outed."

Put aside now the pillorying of David Brock, and remember George Orwell's wise words: "To see what is in front of one's nose requires a constant struggle." What was in front of one's nose in the aftermath of Brock's story was an extraordinary display of hypocrisy. News organizations that happily disseminated charges of sexual misbehavior against John Tower, Clarence Thomas, Robert Packwood, George Bush, and Nancy Reagan averted their eyes from a story that said Bill Clinton suffered from satyriasis and once used state employees to help him through his affliction. The idea that Brock's story could be ignored because it lacked corroboration will not do; neither will it do to insist, as great news organizations did, that they were shocked, simply shocked, at the thought of spreading scandalous rumors. They have been spreading scandalous rumors for years—usually with glee, and often with ideological malice.

Consider the handling of Kitty Kelley's trashy 1991 book about Nancy Reagan. The *New York Times* put it on page one, and *Newsweek* gave it its cover. No pond scum there, of course, only good stuff about lesbian affairs, fellatio with Hollywood directors, and dalliance with Frank Sinatra. *Newsweek* concluded its story about the Kelley book this way: "If even a small portion of the material amassed and borrowed here turns out to be true, Ronald Reagan and his wife had to be among the most hypocritical people ever to live in the White House."

And if even a small portion of Brock's story turns out to be true . . . but no matter. R.W. Apple, Jr., the Washington bureau chief of the *Times*, expressed the official position: "I am not interested in Bill Clinton's sex life as governor of Arkansas. I'm certain there are a lot of readers who are interested in that, and there are lots of publications [other than the *Times*] they can turn to to slake that thirst." (Apple also explained that "the *Times* is not a supermarket tabloid," although that may mean only that he has not kept up with the paper's Styles section.)

Consequently, the larger point of Brock's story was missed, at least by the *Times*, *Newsweek*, and almost all the rest of big media. Occasionally, it did turn up, though, in some unexpected places. The *Nation* made a ritual denunciation of Brock ("a discredited reporter") and this magazine ("the liberal-hating *American Spectator*") but allowed that the sourcing for the story was better than that found on "respectable front pages, where unnamed officials spin information to serve their own agendas." Then it pointed out what Johnny Apple and the rest of the Washington press corps were determined to ignore:

> People can wonder whether a President's infidelity—or that of any political leader—is of concern to anyone outside his or her own family. . . . But what is the solid ground here? Abuse of office is clearly fair game for inquiry, and offering jobs for bribes is a serious business. A President's capacity for deceit—especially where private edges into public—is not a subject to be brushed off. To serve his appetite Clinton is said to have falsified records, planned elaborate rendezvous, orchestrated alibis—systematic subterfuge that, if real, is a matter of great public relevance.
>
> Clinton is particularly vulnerable to these kinds of charges for two reasons. First, true or not, the stories appear to jibe with those parts of his public persona that allowed his down-home ene-

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mies to dub him Slick Willie. . . .
Second, more so than in recent administrations, in this White House the man is the policy. The hands-on, know-it-all Clinton is at the center of nearly everything that emerges from the executive branch. He is the one deciding where to hold firm and where to cave, which promises to keep and which to discard. This is a very personal Administration. In Clinton's White House, the character of the top hound-dog greatly determines outcomes that affect the entire nation.

Just so, and in the wake of Brock's story the secondary White House hound-dogs went to work, discrediting the opposition while wiping up the mess made by old No. 1. One of Brock's sources was Danny Ferguson, an Arkansas state trooper, whom Brock did not quote directly, but who supported the assertion by trooper Roger Perry that Clinton had offered them federal jobs in return for their cooperation in squashing the pending stories. Before either *The American Spectator* story or a similar story in the *Los Angeles Times* appeared, word of their disclosures had gotten around. Clinton himself then called Ferguson. When the stories were published, Betsey Wright, the Washington lobbyist who had been Clinton's gubernatorial chief of staff, swooped into Little Rock to lean on Ferguson, too. She worked out a deal: Ferguson's attorney issued an affidavit that said his client had authorized him to say that Clinton had "never offered or indicated a willingness to offer any trooper a job in exchange for help in shaping their stories."

This was quite clever. Ferguson had not denied anything; he had only authorized his attorney to put out the affidavit. Therefore, neither was under oath on the matter of Clinton's offer. Indeed, no sooner was the affidavit made public than Ferguson disclaimed what it seemed to say. He told the *Los Angeles Times* in a taped interview that when Clinton called he had asked him if he was interested in becoming either a regional head of the Federal Emergency Management Agency or a U.S. marshal. You may choose to believe if you want to that Clinton was not trying to buy him off, but somehow that seems unlikely.

Nonetheless, the gambit worked well for the White House. The media began referring to the Ferguson affidavit, even though, of course, it was the attorney's affidavit and not his, and neither had sworn to anything. *Newsweek*, for example, reported that "Danny Ferguson swore in an affidavit that Clinton had never explicitly connected the offer of a federal job to a request for silence." Even so skeptical a man as Robert Bartley, the editorial-page editor of the *Wall Street Journal*, got taken in. In a column, he referred to the "affidavit from Trooper Danny Ferguson." When a lawyer in Arkansas wrote the *Journal* to correct the mistake, Bartley obligingly ran a copy of the real affidavit on the op-ed page. It may not have mattered. The next day, Charles Peters, the editor of the *Washington Monthly*, spoke for the press corps at large. He began a piece on the op-ed page of the *New York Times* as follows:

> When Danny Ferguson denied in an affidavit that President Clinton had offered him and other Arkansas troopers Federal jobs for covering up trysts that occurred when he was Governor, most of us were relieved. This had been the most troubling element in the stories of sexual scandal in The American Spectator and Los Angeles Times.

Thus Clinton was absolved, but even so the secondary hound-dogs stayed at it,

(continued on page 76)

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Bobby Pins Flying In

by Benjamin J. Stein

Wednesday

I like this. I'm over here in Burbank at the executive commissary at Disney. This is a lovely round room with a lot of famous people sitting nearby. There's Joe Roth, who made one of my faves, *The Three Musketeers*, with one of my absolute favorite actors, Charlie Sheen, and there's Jeff Katzenberg, and there's David Hoberman, who was once the world's greatest agent and is now a major studio boss, and there's me, sitting with Ricardo Mestres, talking about corporate finance. Ricardo learns this stuff amazingly fast and then asks me really hard questions. I like that. I guess I'm basically a teacher at heart.

Anyway, I left singing a happy tune. I passed some comedians I knew. One of them said, "Look, there's Ben Stein, one of the most important people in Hollywood."

"I'm one of the least important people in Hollywood," I answered without false modesty.

"The most important are the least important," he said.

I thought about that and realized it didn't mean anything. But it was still a beautiful day, and I'm happy being alive.

Friday

Yikes. I don't want to get hit from behind on the highway, then shot to death by teenage gangsters. Most definitely. The reason I'm even thinking about it is that I just arrived at the Miami International Airport, a modern, lovely building, and my driver is not here to meet me. It's a swirling scene of Cubans and others speaking Spanish a mile a minute, and there's no one here to take me to my hotel so that I can rest preparatory to filming my two scenes in a movie called *Miami*.

I don't want to have to rent a car. I don't want to have to take a cab. *Wahhh!!!*

It's okay. A driver appeared after about half an hour. He told me the other driver had gotten lost (going to the airport?), but that he, Leon, was ready to show me the city. Leon was a recent transplant from the New Jersey region. He was a one-man advertisement for the Taft-Hartley law.

He had been a truck driver for the *New York Daily News*, working his way up to making over one hundred K per year . . . all the while hiring out non-union fri nds to drive his truck while he vacationed in Colorado. Then his employer—dying from union costs—offered a lavish early retirement package. Leon took it and now suns and swims in the day, and drives a limo at night. Wonderful work if you can get it.

Leon took me around glittering South Beach, which did not look quite as glittering as I had hoped, and in fact looked like a smaller version of Sunset Strip. (I don't know, Leon.) Then he took me to my hotel.

It was called the Hotel Raleigh. It sat amidst a number of derelict buildings that had been very hot in the 1950s. It was the hippest renovated hotel in Miami. It was impossible to get into. It was where the hottest models stayed.

It was a slum dump. The lobby was empty and dark. A funereal desk clerk glumly issued me my key. A sulking pretty boy brought my suitcase to a barren room with a stone floor, hardly any furniture, a bed on the floor, and a TV hanging from the ceiling at a crazy angle from the headboard. The room did have a space-age remote control for the TV. Woop-dee-doo.

I went down to the desk clerk. "Is there some mistake?" I asked. "My room is a little plain for $200 per night, isn't it ?"

"Is obvious that you know little about the style," the unshaven desk clerk said to me with an airy wave of his hand.

I don't like this. Not at all.

I walked down the street to a delicatessen called "Wolfie's" that had been a huge fave when I was last in the neighborhood, as a six-year-old in 1950. It's a slum deli now, with slum people inside. And expensive, too.

Time to go to sleep, and hope that I get back to Malibu someday soon.

Benjamin J. Stein is a writer, actor, economist, and lawyer living in Malibu, California.

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Saturday

A visit from my braino English physician friend Gartho, who lives in Palm Beach. He has generously driven down all the way to Miami to spend the day with me.

We drove over to South Beach, which was still pretty quiet. We had lunch, then walked along scary streets. By early evening, I had the feeling that someone was pulling my leg. The real South Beach must be somewhere else.

By late evening, though, the place was buzzing. People cruising Ocean Drive, people dancing in doorways, couples, tourists, ocean breezes. It was nice. About a hundred people asked me to say "Bueller." I like that. It made me feel less lonely.

Then, horror of horrors. Back at my hotel, a fraternal organization of sorts was having a huge bongo drum party at the pool, right below my room. It was so loud my room vibrated from the noise.

I called the desk. "This is insane," I shouted. "I'm a paying guest and I can't sleep. People who aren't guests are playing drum music keeping me awake and it's eleven o'clock at night."

"Oh, wow, " said a woman at the desk. "You must be, like used to staying at, like Holiday Inns in small towns or something. Have you ever lived in a big city?"

"Does Los Angeles count? Or New York?"

"Well, you're the only one who complained," said the desk clerk, the last refuge of those who don't even want to think about giving decent service.

"I'll make this really simple," I said. "Make them stop or I'm calling the police."

Amazingly, I only had to make that threat until midnight, and then they stopped. But a word to the wise: The Hotel Raleigh—beware.

Meanwhile, I wish I were back home.

"Home" is a lot better than "hip."

Sunday

What a difference a day makes. This morning I took a taxi over to Coconut Grove. It's on the mainland, facing Biscayne Bay. It's far more middle class, with condos and a magnificently lively shopping center. I checked into my new hotel, a "Doubletree," which is a chain, but which is neat, clean, cheerful, with great views, friendly people, and a rate about one-third that of the accursed Raleigh. I like hotel chains. They tend not to have a bad attitude, and this one is a jewel.

I strolled along Bayshore Drive to the Mayfair Shopping Center, and then into a vast outdoor shopping plaza. It was crammed with happy people of all ages and races, retirees, children, college students, all of them happy and relaxed. A balmy breeze blew through the outdoor cafes, and I had soup and then went to see *The Three Musketeers*.

Afterwards, I strolled along Bayshore back to my hotel. The moist wind came off the bay onto a park of sand and palm trees and a marina and then across my face. It was paradise.

Monday

Oh, happy day. A van came to the Doubletree this morning to take me to the set of *Miami*, the movie in which I have a small part as a rabbi. In the van with me was an amazingly talented fellow named Paul Mazursky. He has made over a dozen movies, including one of my favorites, *Next Stop, Greenwich Village*, and another fave, *Down and Out in Beverly Hills*. He's also an actor, and he plays Mia Farrow's husband. He's full of stories about his pals, especially Federico Fellini, and about shooting *Moon Over Parador* in Brazil with five thousand extras in a night scene, and he's just generally the life of the party.

Our location today is a vast cemetery. It was originally a Jewish cemetery, but about twenty years ago, it became largely a Cuban cemetery. All of the new part is sprinkled with headstones that say things like "Cesar Camacho—I will never be at peace until Cuba is free." There are also many maps of Cuba on headstones.

I wonder if these people are going to want to be removed to Cuba after Castro goes. Probably that's going to be a big business. I also wonder if Castro realizes how Cubans want him gone so badly that they put it on their gravestones.

Anyway, I vamped about in the hot sun, talking to a beautiful young actress named Carla, who plays a bride I marry tomorrow. Then I talked to some extras who had been rounded up from a mahjong club, and then I did my scene.

I read the Mourner's Kaddish, in Hebrew, at the gravesite of one of the

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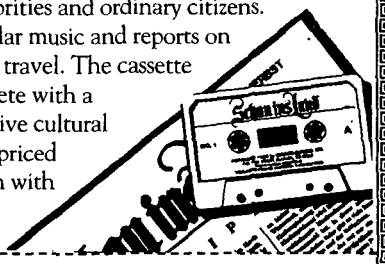

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main characters, who has "passed" into eternity. Around me were Mia Farrow, Sarah Jessica Parker, Paul Mazursky, Antonio Banderas, Kevin Pollak, and a few others. It was blazing hot. The words to the Kaddish brought tears to my eyes. All around were the gravestones of departed Jews, some not long dead.

I felt dizzy with joy that I was still above ground, still having fun, still laughing and playing in the sunshine. Looked at through the prism of gratitude, almost every day is a good day. No—a great day.

Mia Farrow told us during a break about how Frank Sinatra rarely sang around the house, but could sing any song perfectly. I looked at her face and thought what a kind face it was. I like her, and want her to be happy.

That night, a group of us went to a fish restaurant and had a yummy dinner. Sarah Jessica Parker told hilarious stories about using guns and piloting a boat in a recent movie. An agent sitting next to me told me funny stories about growing up in L.A.'s Hancock Park. My dining neighbor, an actress from New York, told about her ancestors' growing up on the plains of Saskatchewan.

We all walked home together, and I fell asleep with the glow of still being alive washing over my face. I'll be back in that cemetery someday, but for now, I like The Doubletree.

Tuesday

The van came back this morning and took me and Paul Mazursky and Kevin Pollak (both of whom do screamingly funny imitations) to a vast palace and gardens called Vizcaya. It's an Italianate villa overlooking the Bay of Biscayne, built in 1915 by the chairman of International Harvester. It's lavish indeed, and I like it a lot. The gardens are green and colorful, and the breeze is blissful, and only for a few hours is the sun really unbearable.

I slept in my trailer for a while, got made up, had a lavish lunch, and then went to work as the rabbi marrying two lovely young people with some funny lines they had supposedly written themselves. Between takes, Mia Farrow told funny stories and spoke proudly about her son who had just graduated from Yale and was going to Georgetown Law School. She's really great on delivering lines, and has a certain understanding of people at a glance that I admire. I could easily spend much more time with her. Paul Mazursky did some great imitations, and then Kevin Pollak did his, and we were all in a great mood despite the heat.

At a certain point, Carla's hair got loose and then the wind blew my yarmulke away, and the P.A. had to radio to the hair trailer and the wardrobe trailer. "Bobby pins flying in" came the word back from the hair battalion. "Yarmulkes flying in" came the word from the wardrobe department.

The script continuity woman gave me one of the yarmulkes she had just passed out at her own wedding. It was all touching and familial. Then we had to shoot some reversals. The camera had to be moved from the terrace of the palace to the back of the garden. "Camera mushing" came the announcement, then, "Fifty flying in," which referred to the size lens.

I love these movie phrases. "MOS," which means silent, or "mit out sound," is my favorite, but "bobby pins flying in" is right up there.

Sunday

Brrr. It's cold. We're at Schweitzer Mountain, right outside Sandpoint, Idaho, on the day after Christmas. It's evening. Alex, Tommy, and I have just had dinner at the Lodge, and now we're watching men and women and children ski down the mountain under bright lights. It's like a secret festival where everyone's having an extremely good time while the rest of the country goes to hell.

On the other hand, it's incredibly cold. I mean bitterly cold. The wind coming off the snowy mountain doesn't make it any less cold either. Wow.

Tommy wants ski lessons, and he wants them now. We tromped into the ski-rental room, waited in line, and fitted Little Jean-Claude Killy with ski boots made of some kind of hard, angular, rigid plastic. He squirmed in them, smiled hugely, and stamped on my loafer-shod foot. That really hurt.

"If you do that ever again," I said, "you will not only not get a one-man submarine, but you will also get spanked very hard."

"I'm sorry, Daddy," he said, and all was forgiven if not forgotten.

We found a Nordic ski instructress to take him out on a slope called the Bunny Hole (which looked to me, a major acrophobe, more like the Black Hole). A mere $50 for one hour changed hands, and soon he was off to the ski lift and the beginning of the slope.

Alex and I waited in the lodge and drank hot chocolate and missed him desperately. Even in the magic kingdom of ski slopes, people get hurt. What if he's shivering somewhere under a pile of snow?

Never mind. He's fine. He appeared after about an hour and a half, making A's with his skis, actually skiing, smiling, tears from the cold running down his little cheeks.

He's my little angel.

Wednesday

Brrr, again. I'm in Washington, D.C. I'm here to do a comedy segment on "Nightline" with my law school mate, Jeff Greenfield. It's kind of a comedy sketch about how poorly predictors do in those year-end roundups "Nightline" does.

The sketch is funny, and Jeff is funny, and I'm sort of amazed at how much he's accomplished. After the taping, I took a taxi through snowy streets to see me old Ma and Pa. I've reached the stage of life where I can really relate better to my mother and father than to almost anyone else except Alex and Tommy. Of course, they make it really easy for me by loving me and Alex and Tommy, and calling all the time so we can talk about how much we *love* Nixon. But acceptance of other people is a huge part of getting through the day with Mom and Dad or with anyone else.

I always feel a pang when I leave. Life will not always be this sweet.

Wednesday

Now, I'm on the set of a commercial for Wendy's in Miami. This marks my second trip to Miami

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in less than a month, after a hiatus of (yes) forty-two years!

In this commercial, which we're shooting indoors while rain pours down big-time outside, I play a nerdy market-research guy. I'm showing Dave Thomas, the genial and beloved head (and founder) of Wendy's, some transparencies while he sneaks out to get some Wendy's food. The room is filled with smoke to make it all seem even more strange and outside time, and we're having a lot of fun.

Dave has an incredibly great plan for making adoption rights payments part of employee benefits. The idea is that employers pay maternity benefits, so why not pay the costs of adoption. This idea is so smart, so humane, so loving that it should get universal acceptance. I was just about moved to tears as he was expressing his love of kids to me and talking about how many more kids could find loving homes with this plan.

I wish I could show Dave Thomas to the people in Hollywood who think all businessmen are thugs. This guy is something like a saint as far as kids are concerned, and a very impressive guy. I've made a mental note to eat lots of Wendy's food and to buy some stock.

Thursday

Now I'm in the plane heading back to Los Angeles to teach my class in Law and Economics at Pepperdine. In my lap are a couple of articles about the new Bonnie and Clyde, Bill and Hillary, and their depredations. What keeps occurring to me is this simple question: How come these guys aren't in jail? Isn't it a law-and-economics matter that the law is simply not being applied to their misconduct around Whitewater?

Here are the exam questions I'm going to give my students:

(1) A state attorney general and his wife enter a business deal in which the attorney general puts up no money and gets half interest in a land development company that will need many state government permits to operate.

List the ways in which this proposition is unethical including, but not limited to, the assumption that the attorney general will grant special favors to the partners in the land development deal in order to repay his free half

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interest in the company. In what ways is there a conflict of interest here?

(2) The wife of the governor of a state goes to a business partner of her husband and borrows $30,000 from a savings and loan headed by the business partner. The money is claimed to be for a personal loan, but was in fact always intended to be used in a joint business operation with the governor and the head of the savings and loan.

In what different ways does this constitute fraud? Is there any circumstance in which lying on a loan application to a federally insured S&L is permitted? If a borrower facilitates a loan to an S&L executive that would have been illegal if the true circumstances of the use of the proceeds had been divulged, does that amount to accessory to fraud or is it fraud in and of itself?

(3) A governor of a Southern state arranges for his business partner, who controls a federally insured S&L, to make payments on a personal loan that the governor has taken out. The governor then takes those interest payments as interest deductions on his federal income tax.

What is it called when taxpayers fraudulently take deductions for payments that someone else has made on their behalf which they have not repaid? Is it "excusable fraud" if the governor then blames his accountant for the mistake? (The governor and his wife are both attorneys.)

(4) The governor of a Southern state arranges for a friend to get a large federal grant ostensibly to fund projects for disadvantaged entrepreneurs. The governor then pressures his friend to lend several hundred thousand dollars to a land development company jointly owned by the governor who is in no physical way disadvantaged, without disclosing the true nature of the loan. The money is never repaid.

Does federal law allow for fraudulent applications for loans to special-purpose federal grant programs if the borrower is governor? What if he is a former Rhodes scholar?

(5) A governor's wife borrows money from a business partner of her husband to buy a house for $8,000. She later sells it for $23,000. What is her capital gain? What if she claims a $1,640 capital gain from the transaction instead of a $15,000 capital gain?

(6) A governor runs for president on the claim of a superior ethical sense compared with his predecessors. It turns out that he traded favors for money, cheated on his income tax, and helped to loot a federally insured S&L as well as a federal program for the disadvantaged.

What do we call such a person? Discuss the issues raised by the refusal of the federal or state governments to prosecute such a person in terms of public perceptions of law.

I don't know. Maybe I won't include these questions on my students' exam. Maybe they're too easy.

Monday

Earthquake!!! I was sleeping in my big bed at the beach when I was jolted awake by fierce rumblings and the sound of the windows, the many floor to ceiling windows, being rumpled and crinkled up as if they were aluminum foil. My little angel, Mister Perfect, was sleeping next to me. He didn't bat an eyelash. He kept sleeping. I lay in bed with my eyes closed, and thought, "This is either the big one or the big enough one."

Then hey, presto, the rattling stopped. I got out of bed and noticed that the power still worked. Yeah. Then the power abruptly went out. Bang. Out. Darkness at the break of dawn. I wandered to my table and found my flashlight. Then I looked around the house. No damage, and I was hungry. I made a bagel with cream cheese. I picked up the phone. It worked great. I called my parents to let them know I was all right. I went back to bed.

In the morning, Little Mister Nielsen wanted to know why he couldn't watch his favorite cartoons. He also wanted to know what he would do all day without the TV.

"You can read, can't you?" I asked him. "How about reading?"

Instead, my friend Jane drove out from Culver City and gave him various art lessons, which was really, really cute. Then we played chess, then checkers, and then he went beddy-bye. What a sweet little child. A nap.

While he slept, I filed. This seems to be my primary fate in life nowadays. To file. "File," that's the four-letter word of middle age.

It was stunningly hot, like the hottest days of summer. Painfully hot. Still, I stood by my file cabinets like a little soldier and filed. Tiny mutual fund receipts. Tiny bank statements. Bills. More bills. More bills. The detritus of life. In one of my self-help programs, I learned that I must always say to myself that my day is just a day in some guy's life. That's a great thing to tell yourself when you're in the midst of filing in broiling heat on the day after an earthquake.

On the portable radio, there was endless talking about collapsed buildings, fallen down freeway overpasses, and fires caused by ruptured natural gas lines. Well. This is luck. None of these things has happened to me.

In the afternoon, I drove Little King Tut back to his Mommy. The freeways were eerily empty. The lights of the San Fernando Valley were dark. Stores were closed, except for my new favorite Thai restaurant. I ordered some chicken larb, talked to a waitress named Da, and thought again how lucky I was.

Saturday

Tommy and I have fled the earthquake zone and flown to Sandpoint, Idaho. Tonight, we're up on Mount Schweitzer again. Tommy's in his ski outfit, zooming all over the mountain, on Musical Chairs, The Quad, Chair One, even The Half Pipe. He's a rocket. He's fearless.

Even I have taken a lesson in Cross Country, and didn't die. Tommy's inspired me and not, I hope, for the last time. I liked skiing, the little bit I did of it. I hope to do much more.

Now, there's a torchlight parade of skiers coming down The Pipe or maybe it's The Quad, zigging and zagging, holding up torches, their orange glow reflecting against the powdery snow. This is living. The crowd is oohing and ahhing, and now there are fireworks and rockets against the snowy night.

There's a half moon, but it's clear enough so I can see the lights of Sandpoint on the Lake ten miles away.

On the chairlift, there's Little Mr. Mountaingoat in his red wool cap, with his skis and a big smile in the North Idaho night.

This, too, is just another day in some guy's life. ❐

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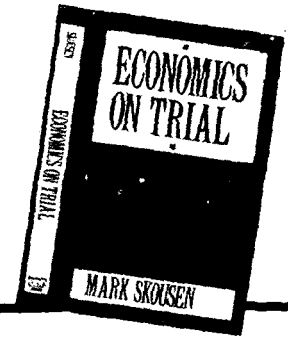
THE BOOK CAMPUS LIBERALS FEAR THE MOST



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— Prof. Paul Samuelson, MIT

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A Winning Drive

by Grover G. Norquist

Morton Blackwell, the Republican National Committeeman from Virginia, has long urged conservative activists and legislators to wage political battles that meet three tests: Will the issue in question unite the conservative coalition? Will it divide the liberal coalition? And, win, lose, or draw, will conservatives emerge stronger and liberals weaker for having fought the battle?

President Reagan's supply-side tax cuts certainly fit the Blackwell criteria, as did his military buildup. The fight for school choice is a more recent prototype: It unites free market economists and traditional family values conservatives. It divides the presumed liberal coalition by attracting black and Hispanic parents. (And possibly teachers' union members: Although the fearsome National Education Association opposes choice 100 percent, its chairman Kenneth Geiger admitted on national television that some 40 percent of unionized big city teachers send their own children to private schools—which presumably means they would welcome vouchers or tuition tax credits.) And regardless of who wins, school choice provides a potent rebuttal to the left's line of *Give us more money or you don't care about education.*

The latest conservative policy initiative to fit Blackwell's criteria is the drive for choice in the $100 billion automobile-insurance market. Michael J. Horowitz, a former Reagan official who is now a senior fellow at the Manhattan Institute's Washington office, and Jeffrey O'Connell, a law professor at the University of Virginia, want to allow automobile drivers to waive their rights to sue for non-economic damages ("pain and suffering") in return for lower insurance rates. The system would be "first-party" insurance, under which insurers would reimburse their own policy-holders' automobile damage, hospital costs, lost wages, and so on. According to the Rand Corporation, motorists who opt out of the "pain and suffering" legal lottery would save about 33 percent of their present insurance costs. In New Jersey, where advisers to new governor Christine Todd Whitman are urging her to push the Horowitz/O'Connell choice proposal, savings to state residents would reach $1.3 billion a year if all drivers opted out of open-ended damages. That's a figure larger than Whitman's promised income-tax cut.

It would be an innovation with a number of positive consequences. First, it would make the roads safer, by eliminating perverse incentives. No longer would a "lottery" system of astronomical damages turn unsafe driving into a practice that is lucrative for certain parties. The market mechanism of insurance-rate discounts for safer drivers and cars would eventually replace the politically driven regulatory system of the National Highway Traffic Safety Administration.

Second, reducing rates would make insurance affordable for many lower income drivers who are otherwise forced into "outlaw" status. In Washington, D.C., for example, one out of every four drivers is uninsured.

Third, the reform would reduce medical costs. Juries often grant "pain and suffering" awards as a multiple of the plaintiff's medical expenses. Such expenses are thus encouraged by plaintiff lawyers who encourage clients to run up unnecessary and expensive medical bills as a way to increase their case for lucrative "pain and suffering" awards (and not coincidentally to bring real value to the lawyer's 33-to-40-percent contingency fees). The national average for doctor visits for neck or back injuries if no lawsuit is involved is between two and three. By contrast, a 1992 Los Angeles study found that when lawsuits are involved the number of visits jumps to twenty-six.

Finally, it would reduce the destructive excesses of tort lawyers. Peter Huber, the author of *Liability*, who has done seminal work on the economic costs of the liability craze, has calculated the total "tort tax" on individuals, businesses, and government at more than $80 billion in direct costs alone (such as litigation costs and higher insurance premiums) and $300 billion in indirect costs (including defensive medicine and other efforts to protect against liability).

There are more than 700,000 lawyers in the United States—that's 70 percent of the world's lawyers for 5 percent of its population. Washington, D.C. has more lawyers than all Japan. But only 70,000 lawyers belong to the Association of Trial Lawyers of American (ATLA) and identify themselves as plaintiff attorneys.

The trial lawyers may be short on membership, but they're long on cash. The small number of trial lawyers is dwarfed by the 2.5 million unionized teachers whose dues are used by the NEA and other unions to create a political machine. Yet political consultant Gene Ulm, who specializes in state legislative races, rates the trial lawyer lobby as "second only to the teachers unions" in power at the state level. Ed Goeas, the president of the Tarrance Group (a Republican polling organization), points out that trial lawyers are effective on two

Grover G. Norquist is the president of Americans for Tax Reform.

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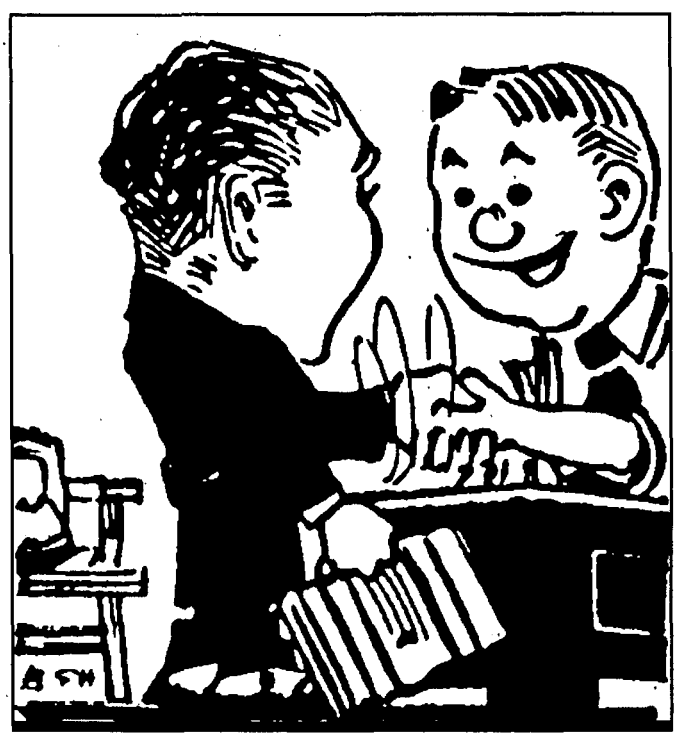
levels. They contribute heavily to trial-lawyer PAC run by ATLA. But unlike other professionals whose political involvement is limited to their PAC contribution, lawyers also give individually, in bundled groups of checks from lawyers or hidden as checks from spouses and relatives and through independent expenditures.

ATLA's PAC gave $2.4 million to congressional candidates in the 1991-92 cycle; just as important, its money is highly *mobile*, and can be used for quick political hits. In 1990 and 1992, when the Democratic leadership wished to kneecap Newt Gingrich for exposing and driving from power Speaker Jim Wright, it turned to the trial lawyers and their most able lobbyist Ralph Nader. Trial lawyers put up $135,000 in an "independent expenditure" to attack Gingrich in his 1992 primary. Texas Republican activist Karl Rove identifies the trial lawyers as the "single largest source of campaign funds" for Governor Ann Richards and the state's Democratic Party.

The present liberal coalition is supported by such pillars as labor unions, government workers, big-city political machines, left-wing intellectuals—and trial lawyers. Trial-lawyer money flows almost exclusively to Democrats and left-of-center candidates, and the motivation for this giving is rational self-interest. Lester Brickman of New York's Yeshiva University estimates that trial lawyers net more than $10 billion in income annually from contingency fees. Auto insurance accounts for about half of these earnings. In other words, trial lawyers would lose about $5 billion each year if every motorist chose to opt out of pain and suffering through Horowitz-O'Connell.

The political implications of de-funding the trial lawyers would be staggering. In 1989, trial lawyer B.B. Spence, who earned $2.5 million the previous year, told *Forbes*: "I probably give [Naderite groups] 5 percent of my income." If trial lawyers on average spent only one percent of their income on politics, that would come to $100 million in political cash each year. Horowitz-O'Connell could slash that by half. To date, the political cash of trial lawyers has stymied reform efforts at the state and federal level. But the choice approach reframes the issue to isolate trial lawyers and their self-interest.

What's more, the American Tort Reform Association, a pro-reform body based in Washington, has done polling that could instruct candidates and consultants on how to turn the trial lawyers financial power against them. A March 1993 poll of Alabamans found that 80 percent would be "more likely to vote against a candidate for the legislature or court who took large contributions from trial lawyers." Seventy percent would be "more likely to vote against a candidate if he or she were endorsed by plaintiffs trial lawyers." Similar poll results were found in Louisiana, Mississippi, and Texas.



Because it changes the terms of debate, the Horowitz-O'Connell approach to insurance rates could succeed in addressing the problem of excessive civil damages where other attempts have failed. Past discussions of product liability reform and medical malpractice reform were framed by the plaintiff's bar, as a question of individual rights opposed by powerful corporations and rich doctors. Horowitz-O'Connell refocuses the question on the right of each consumer to contract for the protection he wants. Where previous reform efforts sought to forbid or limit lawsuits for difficult-to-quantify pain and suffering, this reform allows every consumer to choose to keep his present extensive coverage.

Auto insurance *can* be reformed state-by-state, unlike product liability, where lawyers can "venue-shop," i.e., sue any given large company in whichever jurisdiction offers the most liberal civil judgments. An astute lawyer could sue either at the point of purchase or in any of the states in which the offending company had a plant or a corporate headquarters. An added benefit of Horowitz/O'Connell is that, unlike product liability reform, where the benefits flow first to large companies and only by extension to consumers, the benefits of this measure flow directly to consumers, in the form of lower insurance premiums.

To judge it against the Blackwell test: bringing consumer choice to automobile insurance—and its obvious parallel, health insurance—certainly unites the conservative coalition. Economic conservatives welcome consumer sovereignty and contract law over legislative fiat, and social conservatives welcome the direct cost savings choice can mean for families. It also divides the liberal coalition. Consumer groups and representatives of lower income and minority communities have supported for similar efforts in the past.

In fact, only one major liberal group—the trial lawyers—stands opposed to this reform. They do, it is true, have friends in the White House. Is it any surprise? For the Clintons' health-care scheme not only fails to confront the abuses of medical malpractice—it would explicitly overturn progress won at the state level in recent years. The reason is simple: Bill and Hillary need the trial lawyers' money—and need it so desperately that they cannot even *feign* moderation on tort reform, as they can on crime or welfare. Which is why the next three years of statewide battles over auto-insurance reform will be national battles as well. ❐

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The Cohiba Cigar Divan

by William McGurn

Hong Kong

I have never thought of myself as a cigar man. For one thing, I don't smoke. That alone might be thought rather an obstacle. And on those rare, social occasions where I might indulge in a proffered stogie, I most always regret it the following morning.

But I am a non-smoker, not an anti-smoker, and betwixt the two lies a world of difference. And so I had no qualms about accepting an invitation to a "Big Smoke and Cocktails" put on to celebrate the official launch of a new Cuban cigar, much as I have happily attended weddings where a good friend's choice of spouse was not necessarily to my own taste. The Big Smoke had two other things going for it as well: the invitation came from David Tang, and the party would be at his Cohiba Cigar Divan.

I may know little about cigars, but I do know something about men's establishments, and the Cohiba Cigar Divan is every man's dream, which is to say that it is precisely the type of establishment so out of favor in today's America. Tucked away in a little corner of the Mandarin Hotel, it is teeny even by Hong Kong's cramped standards. There are but two rooms: a cozy lounge, which just manages to fit two chairs, a small sofa, and a marble-topped, Spanish-style table-cum-bar; and a temperature-controlled backroom where regulars might keep boxes of their own stock. There is an exquisite tiled floor, an espresso machine, and a decent selection of rum and brandies, but the Cohiba Cigar Divan tends to be cherished more for what it doesn't have: no fax machine, no cigarette smokers, and (usually, if not officially) no women. "It's not just a place to buy cigars," says the company's Cuban manager, Abel Gonzalez. "It's a second home, a place to relax, have a smoke, enjoy a coffee, and do it all in peace."

Presiding over all this is David Tang, the brash, Cambridge-educated taipan of the Pacific Cigar Company whose other ventures include the colony's more famous Shanghai-style China Club atop the old Bank of China building. Almost always photographed with a beloved Dunhill Cabineta or Cohiba Robusto in hand, David virtually defines political incorrectness—if only because he still believes in the concept of a gentleman. Bugbears include bad English (he sponsors the Community English Language Laboratory to improve the proficiency of Hong Kong people) and the anti-smoking movement now being exported from the States, which he calls "the biggest hypocrisy" in U.S. history.

"The American war of independence," he reminds me, "was *fought* on the price of tobacco; it was tobacco that sustained the American soldier in the trenches; and it is tobacco tax that finances much of the government that now wants to take away the only consolation left for those who are poor and do not have jobs because of government."

He pauses for a moment and takes a puff of the reason for today's celebration: the new Cohiba "Siglo" series launched last year to commemorate the 500th anniversary of the cigar. "Non-smokers should be *glad* we smoke," he adds. "If we die early they get the benefit of our pensions." As we talk a beautiful Filipina David has hired delivers a splendid rendition of "Smoke Gets in Your Eyes."

Che Guevara might seem an unlikely hero for this bunch, but this is Hong Kong, where businessmen speculate in Mao buttons and a bar named for the Russian president (The Yeltsin Inn) has been making money almost since the failed Soviet coup. A note outside the Divan entrance explains that one of Fidel Castro's first acts was to appoint Che head of the tobacco industry, from which position the latter decided to bring together the best "rollers" to launch a new brand of cigar from the pick of the tobacco crop "as a celebration of revolutionary culture and craftsmanship"; the factory was a mansion built in 1910 for the Marquesa de Pinar del Rio. It all sounds rather a nice way of saying that Che brought all the old cigar experts together, threatened to hang them unless they joined his socialist enterprise, and then expropriated the Marquesa's home to put it in, but there you have it. In a colony founded upon the right of Englishmen to sell opium to Chinese in defiance of God's and China's law, Che's sins might even seem venial. The name Cohiba was taken from the old Taino Indian word for tobacco, and for the first twenty years or so it was reserved for diplomatic gifts and the like.

Of course, the Divan does not limit itself to Cohibas. To the contrary, its back room is full of all the famous Cuban brands: Montecristo, H. Upmann, Romeo y Julieta, Ramon Allones—all the brands denied Americans because of the embargo. But even more delightful than the cigars were the regulars who filled the Mandarin's east lobby for their Big Smoke. Outside their ranks, cigar smokers often find themselves slandered as either crass or snobbish, but I found the reverse to be true. Apart from David Tang himself I did not know a soul there, and I don't even know David all that well. But they turned out to be the most agreeable sort of chaps you could want to meet.

Inside the Divan itself I sat next to

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Peter Coker, an American broker who hails from Manhattan but has worked in Mexico and Shanghai and plans to spend this New Years' in Havana. Like other American refugees, he appreciates the Divan more if only because he is well aware that political conditions would deny him the pleasure at home. Stretching out on the sofa, he explains the difference. "In Asia I rarely get asked to put out a cigar," he says. "Back home I would be executed."

Then there's Nick Barclay, an Englishmen who helps run a dinner club called the Blue Parrot. Named for Sidney Greenstreet's rival public house to Rick's Café Américain in *Casablanca*, the Blue Parrot is a men's dinner club. On a more or less regular basis, the members dress for a formal dinner, enjoying a cigar after each of their six courses. He's also a Divan regular. "The attraction is that it brings together like-minded people from all walks of life," says Nick. "It's the kind of place where when somebody new walks in, if he's got a cigar in his hand he knows he automatically has the keys to the door."

Once inside that door the men are treated more as family than patrons. Take Jimmy, a youngish chef from Lamma Island who declines to provide me with his last name. Back in June, when his wife gave birth to a son, he burst into the Divan just before closing time all excited. Abel Gonzalez told him to sit down. "He said to me, Jimmy, there's no choice about it. You must have a Cohiba." And so they did, and the shop was kept open another forty minutes or so while the two men, the proprietor and new father, enjoyed a relaxing smoke. No wonder Nicholas James Anthony, another regular, calls it "the happiest 275 square feet in Asia."

Sad to say, however, that even in The Land of Laissez-Faire (the government hates it when you say that), free men find themselves on the defensive. Although the anti-smoking campaign has yet to reach the fevered pitch it has in America, legislation has been proposed to banish tobacco advertising from the airwaves and the movement has progressed to a degree that the Divan feels it necessary to publish a listing of "cigar friendly restaurants." And sad to say too that on the very day the boys were getting together to launch the new Cohiba series, Cathay Pacific—Hong Kong's unofficial flag carrier and a veritable symbol of British pluck and comfort—announced that starting in March its flights to Europe would all be non-smoking.

In these sort of times, places like the Cohiba Cigar Divan become little oases of sanity. Back inside by the bar, I am reminded that much of the problem emanates from Washington, and someone mentions that Bill and Hillary have banned smoking from the White House. David shakes his head grimly. "It's all the blasted Americans," he says. "What sort of a world is it where the president of the United States is filmed playing with a cigar, *chewing* desperately on the end because he dare not light up and enjoy? I must say I'm very suspicious of a world leader who won't smoke a cigar because his wife won't let him." Quite. ❐

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Dreadful Martyrdom

by James Bowman

People who want a critic to tell them if a movie is any good are usually asking for nothing more than an indication as to whether or not it presents an entertaining or diverting spectacle for the average viewer. The critic, however, more often thinks of a "good" movie, like a good high diver, in terms of the degree of difficulty of what it attempts in relation to the success of its execution. But sometimes one is called upon to assess a movie that is both entertaining and diverting *and* successful in accomplishing what it set out to do but that nevertheless deserves to be disqualified for setting out to do something inconsistent with the ends of art—namely, to propagandize.

That is the situation I find myself in with two of the big movies—at least in terms of media coverage—of the early part of the year: Jonathan Demme's ***Philadelphia*** and Jim Sheridan's ***In the Name of the Father***. Both are successful as propaganda but both betray the cause of art (the only truly lost cause in Hollywood) by subordinating their people to their propaganda. *Philadelphia* resembles nothing so much as one of those old Stanley Kramer message movies like *Guess Who's Coming to Dinner* in which nothing whatever exists that is not there to assist in driving home the "message." *In the Name of the Father* is much more subtle and much more sinister: the perniciousness of *its* message is directly proportional to its unobtrusiveness.

Philadelphia is merely banal. Everything in it is there solely to prove what non-bigots already know: that homosexuals are real people and that they continue to be real people, with the usual complement of civil rights, when they contract AIDS. It is not as if a genuine artistic vehicle could not be devised in which a man like Andrew Beckett (Tom Hanks) gets AIDS and gets fired and gets even. Nor is it impossible to imagine a splendid film in which a man like Andrew's attorney, Joe Miller (Denzel Washington), learns not to be "disgusted" by gay people by actually coming to know some. But as I have said many times before (well, at least one time before): characters must come before message. We have to care about Andrew Beckett as a human being before we are asked to care about him as an AIDS sufferer. As it is, he only exists to suffer from AIDS. He is inconceivable apart from his disease.

We can understand how this happened. Larry Kramer's savage attack on the film for not being propagandistic *enough*—for not being representative enough of gay life—shows the sorts of pressure Demme & Co. were under. What? Tom Hanks and his screen lover (played by Antonio Banderas) don't have a love scene? They never appear naked together? They don't even kiss? Then, from the officially "gay" point of view, the film must be dismissed. As if Jonathan Demme hadn't placed enough weight on the shoulders of Tom Hanks's character by making him stand for all AIDS sufferers, Kramer takes Demme to task for not also making him stand for all gay men. What chance for any spark of genuine humanity to glimmer out from under this suffocating weight of generalization?

Kramer suffers from the full-blown form of the gay activists' plague, which is self-righteousness. Like last year's HBO film of *And the Band Played On*, he absurdly reserves his hottest expressions of "rage" for Ronald Reagan and George Bush—and, now, Bill Clinton, "the third silent, useless President in a row"—for not putting a stop to AIDS. *Philadelphia*, as a commercial product, adopts a more moderate tone and goes in more for self-pity than self-righteousness. Its characteristic note is struck by Neil Young's whiny song, "Philadelphia" (which was of course nominated for an Oscar), in which he pleads: "City of brotherly love/Place I call home,/Don't turn your back on me."

What, exactly, does he imagine Philadelphia's *not* turning its back on him would consist of? A torchlight procession and a presentation by the mayor in Veterans' Stadium? How much more gracious and manly would have been something with the fine stoic dignity of that great gay poet, W.H. Auden, who knew, like the old masters, that suffering *always* takes place "while someone else is eating, or opening a window, or just walking dully along"—and

> That even the dreadful martyrdom must
> run its course
> Anyhow in a corner, some untidy spot
> Where the dogs go on with their doggy
> life and the torturer's horse
> Scratches its innocent behind on a tree.

But the only thing to do about suffering these days is to screech about how unfair it is.

That is also the keynote of *In the Name of the Father*, a compelling re-creation—with the help of considerable artistic license—of the wrongful conviction and imprisonment of Gerry Conlon and others for the IRA bombing of two pubs in Guildford, England. Let us stipulate that the convictions of all the Guildford Four as well as Gerry's relatives, the Maguires, *were* wrongful, though there are still those

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who say they did it. But this is not, as everybody involved with it seems to claim, just the story of a ne'er-do-well from West Belfast and his relationship with his father, Giuseppe, who was also wrongfully convicted and died in prison. For the human story is set in a political context that determines how the human story is perceived by audiences, and it is this political context to which critics ought also to address themselves and, for the most part, do not.

Jim Sheridan says that "this film is being made in the name of Giuseppe Conlon, the ultimate victim." That's the movie business for you. You or I might have thought that the five people who died and the scores who were injured in the Guildford pub blown up by the IRA were the ultimate victims. But their stories are unknown or uninteresting to show biz, whose politics are just about sophisticated enough to grasp the idea of the romantic Irish. Sheridan, by contrast, is sophisticated enough to have answered, when asked about the rough treatment he is getting in the British press: "There's a war on, right? You fight the war in the newspapers as much as you can." It is the IRA that calls deliberately blowing up innocent civilians in a pub "war." By adopting their terminology, Sheridan makes himself objectively useful to them—just as by portraying the political import of the pub bombings in terms of a failure of British justice he makes himself useful to them.

See what the British did to these innocent people? he asks. But what the British did to the innocent people was much less calculating than he pretends, and it was eventually put right; what the IRA did to a great many more innocent people was utterly calculated and can never be put right. But we forget that as we get caught up in the excellent performances of Daniel Day-Lewis as Gerry Conlon and Pete Postlethwaite as his father and such other triumphs of the film-maker's art as the thrilling depiction of a riot in Belfast. Day-Lewis does a brilliant job of putting across Conlon's terminal childishness and fecklessness as he inadvertently starts the riot with his petty thievery and then, to avoid a kneecapping, sets out for London in search of "free love and drugs" in a hippie squat. It is not his fault if in the latter part of the film he is called on to show greater depth and strength of character than seems warranted by the facts, or than seems quite believable on the basis of some dime store psychologizing about how his father criticized him too much as a child.

Gerry Conlon is not an attractive character and never will be; his father was, but not enough weight is given to the contrast between the two in any but the most clichéd ways—accommodating, patient father, rebellious, hot-headed son. We need more moments like that in which Gerry tries to reassure his father by saying that he will take care of his mother if Giuseppe dies: "You haven't the maturity to take care of yourself, let alone your mother." This is the truth about Gerry Conlon that gets lost in the innocent-man-wrongly-condemned scenario. I don't think it is unduly cynical to suspect that it does so not just because the i-m-w-c-s is more dramatically compelling but also because there is an influential political faction that includes the film-going British and American intelligentsia as well as the Irish Republican Army and its sympathizers who want the reputation of British justice to be sullied.

For our Movie of the Month, it is a balm to the soul to be able to turn to one that satirizes rather than indulges the propagandist. ***Tito and Me*** is a delightful Yugoslavian film by Goran Markovic that looks in a comic way at the collision between private life and the public pretensions of a totalitarian state. A young boy of about 10 called Zoran (Dimitrie Vojnov) lives with his parents, his aunt and uncle and their daughter, his cousin, and his grandmother in a small flat in Belgrade in 1951. Much of the film is taken up with a comic look at family life in such cramped conditions—full of fights and tensions, to be sure, but warm and loving nonetheless, a portrait of private life that is not idealized but that is full of charm. Zoran's mother dances in the National Ballet and his father plays woodwinds in the National Orchestra (and saxophone in a jazz club after he gets off) and Zoran proudly refers to them as "artists."

One day he and some friends are playing when they meet another artist—or rather an art historian—who has got a job pushing a wheelbarrow. Zoran asks him why he doesn't practice his profession, and the man tells him obliquely that he has run afoul of the authorities and "someone more powerful than God." Tito is also introduced into the story when a deer, killed on one of the dictator's many hunting trips, ends up in the family bathtub because he likes to give gifts to the dancers at the ballet. They eat the venison appreciatively, but don't like it very much. Tito's shadow also falls over the household—though in rather a ridiculous than a threatening way—when Zoran's hated little cousin calls him a "degenerate."

These three incidents are unobtrusive but ironically pointed aspects of the attractive portrait of family life that takes up most of the first half of the film. They make it clear what direction is being taken when Zoran's childish enthusiasm for Comrade Tito assumes center stage. Zoran is seen watching a newsreel of a speech by Tito and practicing making hand gestures like his. He stays out all night, frightening his family half to death, so as to get a place to see Comrade Tito pass by. At school there is an essay competition on the theme: "Do you love Comrade Tito and why?" Zoran, though only mediocre at writing, wins the contest with a poem that concludes with the sentiment that he loves Comrade Tito more than anyone, including his parents.

The prize is to be sent on a "March Round Tito's Homeland" with other youthful enthusiasts. This, of course, goes disastrously, hilariously wrong in ways that provide an education to the young Candide who, by the end of the film, gives a speech to his fellow pioneers asserting that he loves everybody around him better than Comrade Tito—a sentiment with which, by that time, the rest are in cordial agreement. But the façade is maintained. Tito holds a reception for the pioneers where perfunctory adulation is still the order of the day, but Zoran sneaks off to sample the banquet that has been prepared for the children. Food has been an important motif throughout the film. Zoran is a fat boy who is made fun of by his cousin and who eats the plaster off the walls in the flat. But in the final scene, the food stands for the pleasures of private life, which any sane person would prefer to the public hero worship of such a man as Tito. By sampling the cakes, Zoran strikes another blow for the individual against a presumptuous ideology. ❐

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COLLECTED TRAVEL WRITINGS: I. GREAT BRITAIN AND AMERICA II. THE CONTINENT

Henry James

Library of America / 846 and 845 pages / $35 each

reviewed by DONALD LYONS

The volumes of the Library of America, beautifully printed, intelligently chosen, easy to handle, justify that solemn title. Among the latest to appear, numbers 64 and 65, are the travel writings of Henry James (1843-1916), edited by Richard Howard. The first volume covers the Continent: it includes *A Little Tour in France*, first published in 1884, and *Italian Hours*, first issued in book form in 1909 but consisting largely of magazine pieces from the 1870s. The French book describes a tour of the provinces and is illustrated with ninety-four sketches by Joseph Pennell, whose original illustrations for James's books on Italy and on England are also reproduced by the Library of America. The French book runs to picturesque glimpses of spots like Tours and Avignon and Toulouse and Dijon; it has the air of a portfolio of watercolor sketches, charming but superficial. For instance, leaving the small Burgundy town of Beaune (where he missed seeing the town's glory, a Roger van der Weyden, because the nuns in whose hospital it resides were having dinner), James says, "I carried away from Beaune the impression of something mildly autumnal—something rusty yet kindly, like the taste of a sweet russet pear." It is interesting that James shies away from writing about the capital—something he does not do in Italy or England or America.

Italy spoke to something deeper in Henry James than France, and *Italian Hours* is the richer and more echoing book. There is an excitement in his voice when he's writing about Rome, where everybody's outdoors:

> Who does the vulgar stay-at-home work of Rome? All the grandees and half the foreigners are there in their carriages, the *bourgeoisie* on foot staring at them and the beggars lining all the approaches. The great difference between public places in America and Europe is in the number of unoccupied people of every age and condition sitting about early and late on benches and gazing at you, from your hat to your boots, as you pass. Europe is certainly the continent of the practiced stare.

He goes to see a Goldoni farce:

> I could but half follow it; enough, however, to be sure that, for all its humanity of irony, it wasn't so good as Molière. The acting was capital—broad, free and natural; the play of talk easier than life itself; but, like all the Italian acting I have seen, it was wanting in *finesse*, that shade of the shade by which, and by which alone, one really knows art.

Italy, wearing its art and all its senses on its sleeve, was the vibrant anti-America; looking at the ancient Latin-inscribed city walls of Rome, James tellingly contrasts them with "the raw plank fences of a Boston suburb, inscribed with the virtues of healing drugs."

There are a few short uncollected pieces at the back of this volume, one dating from November 1914 and consisting of a public plea, written in James's late sensitive style, for the American Volunteer Motor-Ambulance Corps in France. "The Germans," he grimly notes, "are noted as taking the view that the insignia of the Red Cross . . . are in all circumstances a good mark for their shots, a view characteristic of their belligerent system at large."

The second of these volumes discusses travels about Great Britain and America. His book on England, *English Hours*, is largely a collection, published in 1905, of pieces written for the *Nation* in the 1870s. ("Hours" was clearly felt to be an evocative, liquescent, pre-Raphaelite word.) It takes us through some cathedral towns and mildly pastoral landscapes in southern England but finds its true topic in London, "hideous, vicious, cruel, and above all overwhelming" London. The great city became for the expatriate James the modern monster par excellence, "the particular spot in the world which communicates the greatest sense of life." He begins with a "first impression" of it on "a wet, black Sunday"—the word *impression* is a key to these writings, which often achieve an amazing verbal equivalence to the blurrily hypnotic paintings of Whistler. "I think," he says,

> that the romance of a winter afternoon in London arises partly from the fact that, when it is not altogether smothered, the general lamplight takes on . . . something of a cheer of red lights in a storm. Such is the colour of the interior glow of the clubs in Pall Mall, which I positively like best when the fog loiters upon their monumental staircases.

But for all of James's apprehending genius his London—his England, indeed—seldom goes deeper than such impressionist wash. For human interest he relies heavily on novelists, confessing "I am most haunted with the London of Dickens," finding Kensington "Thackerayan," and deciding that Warwickshire, "this happy mixture of lawn and river and mirrored spire and blooming garden," was really the ideal setting for one of George Eliot's heroines to be playing "lawn-tennis." As analyst of High Victorian civilization, James rarely does better than this:

> Conservatism has the cathedrals, the colleges, the castles, the gardens, the traditions, the associations, the fine names,

Donald Lyons is the author of the new book, Independent Visions: A Critical Introduction to Recent Independent American Film *(Ballantine).*

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> the better manners, the poetry: Dissent has the dusty brick chapels in provincial by-streets, the names out of Dickens, the uncertain tenure of the h—. . .

This pales next to the most trenchant American book on England, Emerson's *English Traits* (1856). In this, his best book, Emerson brought a preternaturally keen Yankee eye, at once leveling and transcendentalizing, to the spectacle of England. Wholly unawed, he declared that

> universities are, of course, hostile to geniuses, which seeing and using ways of their own, discredit the routine: as churches and monasteries persecute youthful saints. Yet we all send our sons to college, and, though he be a genius, he must take his chance. The university must be retrospective. The gale that gives direction to the vanes on all its towers blows out of antiquity. Oxford is a library, and the professors must be librarians.

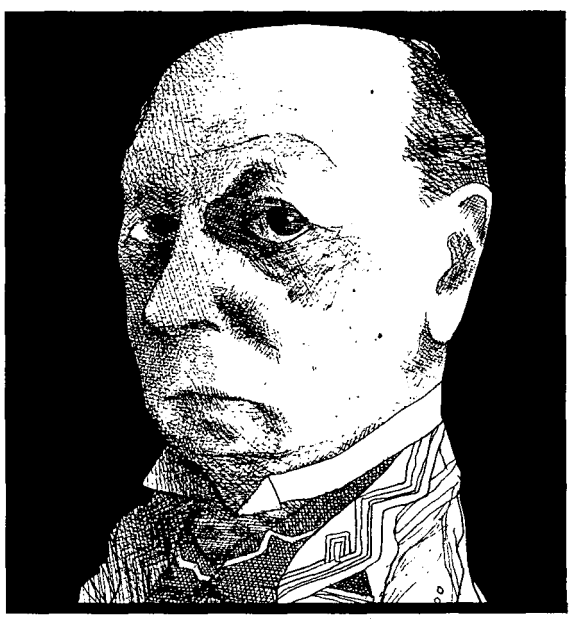
And, memorably:

> It is with religion as with marriage. A youth marries in haste; afterwards, when his mind is opened to the reason of the conduct of life, he is asked, what he thinks of the institution of marriage, and of the right relations of the sexes? "I should have much to say," he might reply, "if the question were open, but I have a wife and children, and all question is closed for me." . . . Why fight against Fate, or lift these absurdities which are now mountainous?. . . The national temperament deeply enjoys the unbroken order and tradition of its church. . . . The religion of England is part of good-breeding.

Such savage penetration, both complaisant and revolutionary, Olympian in its very rudeness, was alien alike to the manners and to the mind of James.

By a paradox that will not perhaps surprise those who know his deepest late novels like *The Golden Bowl* (1904), James's greatest travel writing was stimulated not by the Europe where he passed so much of his life but by a return, a *nostos*, a homecoming, to the land of his birth. In 1904, at 61, James sailed to America after a twenty-year absence. He wanted to take the pulse of the New World in the new century; he bustled about, lecturing all over the East Coast and the Midwest and the West Coast. From it all, he wrote up *The American Scene*, published in 1907 when he was back in Europe for good, and consisting of fourteen chapters that go down from New England to Florida. The last page promises an account of the West, but it was never written.

The American Scene is a dense, difficult, almost eerie book; the tough old man confronts a loud continent. New York City was the biggest, loudest fact of all. James goes for a walk in midtown New York, "remarkable, unspeakable New York," and listens to "the voice of the air," which nags him to admit that "you *care* for the terrible town." Heading downtown to the Jewish Lower East Side, he is nonplussed at the swarming life but shrewdly contrasts the "light" and "serenity" of the New York Ghetto with the "dark, foul, stifling Ghettos" of old Europe.



He goes to a Yiddish play. He samples a Bowery beer-cellar, "a large semi-subterranean establishment"—it is all a bit like the Pope at a ball game, stiff but basically good-humored. As the "air" told him, he couldn't help loving the awful place.

The faded Puritanism of Boston, of Concord, of Salem does not excite James as New York did. It is often forgotten, by the way, that James was a New Yorker by birth and knew New England only in his twenties.

But Washington James likes; he is amused by it. He likens the "Washington Obelisk" to a "loud monosyllable . . . uttered, in a preoccupied company, without a due production of sympathy or sense"; he appreciates the "graceful" White House and "adores" the Capitol, comparing its capacity to "entertain" (a word James intends in the high, imaginative sense) to that of St. Peter's in his beloved Rome. On its steps, he reports,

> I met one morning a trio of Indian braves, braves dispossessed of forest and prairie but as free of the builded labyrinth as they had ever been of these; also arrayed in neat pot-hats, shoddy suits and light overcoats, with their pockets, I am sure, full of photographs and cigarettes: circumstances all that quickened their resemblance, on the much bigger scale, to Japanese celebrities, or to specimens, on show, of what the Government can do with people with whom it is supposed to be able to do nothing. They seemed just then and there, for a mind fed betimes on the Leatherstocking Tales, to project, as in a flash, an image in itself immense, but foreshortened and simplified—reducing to a single smooth stride the bloody footsteps of time. One rubbed one's eyes, but there, at its highest polish, shining in the beautiful day, was the brazen face of history, and there, all about one, immaculate, the printless pavements of the State.

It is a thought-provoking, almost a tragic, tableau that James slyly sets before us.

In poor Richmond, the anti-Washington, the still freshly defeated negative to D.C.'s triumphant positive, James excels himself in evoking the place's "taste" of the "very essence of the old Southern idea—the project extravagant, fantastic, and today pathetic in its folly, of a vast Slave State." Alert to hidden currents in America as he was not always in Europe, the traveler sees the South as having never faced "the thumping legacy of the intimate presence of the negro." He visits, in a compassionate but diagnostic spirit, the Museum of the Confederacy, run by a "little old lady, a person soft-voiced, gracious, mellifluous, perfect for her function, who, seated by her fire in a sort of official ante-room, received him as at the gate of some grandly bankrupt plantation." The place contained only "sorry objects . . . already sallow with time," but James had the born novelist's luck to meet, staring at "the same sad glass case," a "gallant and nameless, as well as a very

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handsome, young Virginian," and they do the museum together. The young man tells James that his father was a hero of the Confederacy and that he himself would welcome the opportunity to match his father's deeds. James sees that "he wouldn't have hurt a Northern fly" but wonders what, "all fair, engaging, smiling, as he stood there, he would have done to a Southern negro." Again, that sting in the Jamesian honey.

Before leaving Richmond, James remarks on the strangely "desolate space" surrounding the very high equestrian statue of Lee, just as he had earlier criticized the General Sherman in New York's Central Park as too peaceful. He lets neither side take refuge in easy icons.

Florida is the final thing the author casts his eyes upon in this dark book. He pretends to have expected it to be the country of his boyhood romances, a "fantastic Florida, with its rank vegetation and its warm heroic, amorous air . . . the Florida of the Seminoles and the Everglades, of the high old Spanish dons and the passionate Creole beauties." The reality was eating in "buffet cars" on noisy trains and sojourning in jammed hotels. Florida irritated James; true, he had at his disposal "the velvet air" and the sea and "the admirable pale-skinned orange" and "the huge sun-warmed grape-fruit, plucked from the low bough, where it fairly bumps your cheek for solicitation"; even the hotel was "vast and cool and fair, friendly, breezy, shiny, swabbed and burnished like a royal yacht, really immaculate and delightful." It was the people that bothered him—bothered him finally for being not individual enough, for being merely types, and types, be it said, such as pushy women and bratty children that James had limited tolerance for. James's imagination was ever on the hunt for curious human stories; his complaint against the tourists' Florida was that the human soil was too thin for a writer. On the train going back north, in the book's last, crazy pages, James has a fierce argument with his Pullman car. The clacketing train boasts of its transformation of the virgin landscape: "See what I'm making of all this—see what I'm making, what I'm making." James, ecologically minded *avant la lettre*, roars back:

> If I were one of the painted savages you have dispossessed . . . what you are making would doubtless impress me more than what you are leaving unmade, for in that case it wouldn't be to *you* that I should be looking in any degree for beauty or for charm. Beauty and charm would be for me in the solitude you have ravaged, and I should owe you my grudge for every disfigurement and every violence, for every wound with which you have caused the face of the land to bleed.

In this Platonic dialogue among the Railroad, the Painted Savage (a.k.a. "a beautiful red man with a tomahawk"), and the Civilized Traveler, James is nobly worrying about mere material advance without respect for the beauty that preceded it or the culture that alone can elevate it.

James's was not the only soul to be darkened by contemplation of late-Gilded Age America; think of late Twain or Henry Adams or, for that matter, Dreiser. But he is a major witness; again and again in this odd book his mandarin spirit turns savagely to ask of America hard, tough, angry, real questions. If he saw Europe in affectionately soft focus, over here, at home, he looked with the unsparing eye of family. He compared Florida to a Cleo-less Egypt before Pharaohs and Pyramids; just so, he likened California to a "sort of prepared but unconscious and inexperienced Italy, the primitive plate, in perfect condition, but with the impression of History all yet to be made." These few words are virtually the only thing he wrote about California, and yet he got it in the womb. What would he have made of the faux Italy that did, as he foresaw, arise? ❐

THE INTELLECTUALS AND THE MASSES: PRIDE & PREJUDICE AMONG THE LITERARY INTELLIGENTSIA, 1880-1939

John Carey

St. Martin's Press / 246 pages / $19.95

reviewed by CHRISTOPHER CALDWELL

According to John Carey, a good number of modern English writers were mere self-important snobs who felt a literally violent disdain towards mass humanity. Angry that newspapers, radio, and cinema were reducing the artist's priestly importance, and despairing of keeping art as their private domain, modern writers resorted to illogic and ugliness to render their work incomprehensible to the mob. Thus, Carey writes, "though it usually purports to be progressive, the avant-garde is . . . always reactionary."

And worse. Carey, Merton Professor of English at Oxford, formulates his theoretical framework over the first half of the book: The masses were objectified and undifferentiated, he says; they were "rewritten" as exotics and as peasantry by elites who found their striving unseemly. By the extremist and the bloody-minded they were compared to vermin and bacteria. One line of thought saw them as *dead*. Carey then uses the book's second half to test his theories out against one mass-loving writer (Arnold Bennett) and three who, to one extent or another, rued the masses' rise (George Gissing, H.G. Wells, and Wyndham Lewis). Along the way, he trawls the work of nearly every major English novelist and poet of the years 1880-1939 and issues his indictment: England's modernists helped shape the worldview that would culminate in Auschwitz.

This mass-loathing was not a matter of left- or right-wing ideology (which Carey, apparently some kind of progressive, ignores anyway) but of class, and even of taste. It was the suburban London clerks, with their red-brick-

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university educations and their subscriptions to *Tit-Bits* and their hunger for self-improvement, who alarmed the intelligentsia as interlopers and rivals. Carey describes a suburb-baiting novel by one T.W.H. Crosland, who blames the new class of clerks not only for overcrowding and tawdriness but also for vanguard social doctrines like vegetarianism, socialism, and feminism. Then he records the consternation of Fabian socialists Edith Nesbit and Hubert Bland, who want to help the working classes but would prefer to have the ugly houses they live in torn down. The lumpen masses, too, are occasion for hypocrisy: Graham Greene, on a trip to proletarian Nottingham in 1926, wrote his fiancée that the city was a "ghastly" place that "destroys democratic feelings at birth." ("One sees absolutely no one here of one's own class.") He then wrote a stirring poem about the urban unemployed that might vouch for his left-wing credentials.

Any attempt to take the poseurs of modernism down a peg can only be welcomed, and we hardly need to be told that some of these literary intellectuals were pretty terrible people. The novelist Jean Rhys, for example, who left her newborn son near a window, giving him pneumonia, and spent the evening of his death drinking champagne with her husband; or Wyndham Lewis, who was in bed with the nymphomaniac heiress Nancy Cunard when another mistress returned from the hospital with their own newborn—Lewis had them wait outside in the cold. Like Paul Johnson's *Intellectuals*, the book is pleasing enough as voyeurism, even if it does take an irresponsible delight in refuting theory with biography.

Unfortunately, Carey is apt to overstate the degree to which characters speak for the authors who've created them, protecting himself behind a weak disclaimer. Here is a good example of his method:

> The evidence suggests that [H.G.] Wells thought of women as by nature extravagant, and addicted to clothes, chatter and shopping. There is not a single woman, complains the consumptive Masterman in [Wells's novel] *Kipps*, "who wouldn't lick the boots of a Jew or marry a nigger, rather than live decently on a hundred a year." These were not precisely Wells's sentiments, but he seems to have shared Masterman's exasperation.

To show that the modernists thought of the masses as "dead," Carey uses sentiments voiced by characters in the modernists' poems and novels, including one of the "voices" in *The Waste Land*, and the protagonist in Orwell's *Keep the Aspidistra Flying*, whom the novel is explicitly devoted to repudiating. He takes the discovery—somewhere in the millions of words D. H. Lawrence put into print—of the sentiment "Three cheers for the inventors of poison gas," along with a statement by a character in the obscure novel *Kangaroo*, to show that Lawrence was moving towards acceptance of the kind of politics that would culminate in the building of death camps in Poland and Germany. "If most people are dead already," says Carey, "then their elimination becomes easier to contemplate, since it will not involve any real fatality."

You can see where he's headed, but it is not until the concluding chapter, "Wyndham Lewis and Hitler," that Carey goes off the deep end, all but blaming England's literary set for the Final Solution. Granted, Lewis is an easy mark, having written an appreciation of Hitler in 1931 and two more pro-totalitarian books in the thirties. According to Carey:

> Totalitarian regimes [Lewis believes] are to be admired for perceiving that human beings are naturally subservient. . . . On this, as on other subjects, Lewis's vehemence issues in self-contradiction. He deplores the collectivism of the industrial world, "herding people into enormous mechanized masses," . . . yet he urges that this stultifying process should be stepped up, because as the mass becomes more and more comatose, the few "free intelligences will be isolated and thrown into prominence . . ."

But let's keep this in perspective. Lewis, while clearly evil, was a silly little man. His preference for totalitarianism was based on a number of risible prejudices, including the hope that state monopolies would eliminate the need for advertising. And Lewis's espousal of fascism, Carey fails to note, was the occasion of his irreversible fall from grace among intellectuals. No one would argue that many literary figures haven't been shameful in their accommodation of totalitarianism. But Carey, who berates intellectuals for never seeing the "masses" as a collection of individual souls, seems unable to distinguish Adolf Hitler from a pompous London aesthete complaining about mouthwash billboards.

Carey doesn't stop there. He juxtaposes Hitler's words and deeds with those of a host of twentieth-century writers taken seemingly at random. The geriatric BBC functionary Rayner Heppenstall confided to his journal that he would "happily commit total genocide" against the Irish and the Arabs. (Carey: "Hitler would have readily understood.") The fact that no one has ever heard of Rayner Heppenstall doesn't dim Carey's ardor any.

Those modernists even had the logistics of the Holocaust covered: "As for disposal of the bodies, cremation was, as we have seen, firmly linked by intellectuals with the soulless masses some years before Hitler adopted it for his final solution." This is a reference to the movement to legalize cremation in the 1890s—which, Carey may need reminding, was for people who were *already dead.*

What we're left with is a retrospective exercise in political correctness, a Catharine MacKinnonism that holds a blowhard or a phony as morally culpable as a mass murderer: →

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> Another respect in which Hitler's fantasies about the mass conformed to a common intellectual pattern was in his division of the mass into the bourgeoisie, which, like all intellectuals, he despised, and the workers . . . In the early days of the movement he made sure members came to meetings without collars or ties, believing that this "free and easy style" would win workers' confidence. . . . English leftist intellectuals of the Auden group in the 1930s likewise set about proletarianizing themselves. Auden wore a cloth cap, dropped his aitches and ate peas with a knife . . .

Call it the "like Hitler a lover of dogs . . ." method of guilt-by-association. Note that Carey finds no fault with Auden for the totalitarianism he *did* actively support: the Stalinism of the Great Terror. But Carey is less interested in the intellectual roots of totalitarianism than in making use of a witty interpretation of Hitler's legacy for a kind of cheap moral stunt. (As such, his book resembles other recent efforts of the British intelligentsia, like David Irving's cheeky claim that Hitler can't be definitively proved to have known about the Final Solution; or Andrew Motion's idle imputation of Nazi sympathies to Philip Larkin on the basis of a childhood trip to Kreuznach and an adult affection for Margaret Thatcher.)

Carey uses the final pages of the book to set up his cheapest shot. He first notes that Hitler admired Shakespeare, Schiller, Goethe, and classical Greece, deplored modern art, worshipped the artist as hero, etc. Then he begins the next paragraph:

> It is hard to see what could be accounted trivial, half-baked or disgusting about these propositions from the standpoint of early twentieth-century intellectuals, or, for that matter, from the standpoint of a late twentieth-century intellectual such as George Steiner.

Or, he might have added, from the standpoint of Anne Frank or Raoul Wallenberg.

"It is true," Carey adds as an aside, "that Hitler goes on to suggest that the feat of producing the great achievements of Western art effectively establishes the supremacy of the Aryan race . . ." Oh yes, but except for that, and the bit about the ovens, he and Steiner see eye-to-eye! ❐

SICK SOCIETIES: CHALLENGING THE MYTH OF PRIMITIVE HARMONY

Robert Edgerton

The Free Press / 269 pages / $24.95

THE DECOMPOSITION OF SOCIOLOGY

Irving Louis Horowitz

Oxford University Press / 243 pages / $25

reviewed by FRED SIEGEL

Recently a friend, a businesswoman with a passing interest in social policy, asked me, "Whatever happened to anthropology?" Thinking that she was referring to the increasingly self-conscious and therapeutic character of cultural anthropology, I told her the joke about the New Age anthropologist doing field work. After an almost four-hour conversation with the chief of a remote tribe, the interviewer stopped to say, "Okay, enough about me—let's talk about you." But it turned out that she simply meant that with all the discussion of how American popular culture in general and ghetto culture in particular had turned rancid, those specialists on culture, the anthropologists, had nothing to say.

Robert Edgerton's *Sick Societies* addresses American culture only for a few pages, to discuss the pathologies of the West Virginia hollows. But his account of the Rousseauist assumptions enshrined in American anthropology provided part of the answer to my friend's question. Chief among these assumptions, as Edgerton explains, is that "because smaller and simpler societies . . . develop their cultures in response to the demands of their immediate and stable environments, their ways of life must have produced far greater harmony and happiness." It is the belief "that emotional and moral commitment, personal intimacy, social cohesion . . . were lost in the transition to urban life" that Edgerton challenges.

Most of *Sick Societies* is given over to summarizing cases of dysfunctional, primitive practices and societies maladapted to their environment. Take Tasmania, which, because of its geography, was totally isolated and free from external pressure or competition. Unable to make fire the Tasmanians gave up on fishing, and lived

> generation after generation, abandoning previously useful practices without creating new ones. Given their relatively abundant food supply the various tribes might have been able to live relatively amicably. But instead in pursuit of women they lived in a Hobbesian world of raid and counter. Four thousand years of isolated primitivism led not to harmonious adaptation but . . . to a "slow strangulation of the mind."

American anthropology has its origins in Franz Boas's crusade against white supremacy and the racism of the eugenics movement, which argued that Darwinism explained the moral and mental attributes as well as the physical characteristics of different groups. But that attack on xenophobic intolerance, the benefits of which we are still reaping today, turned on itself. Boas, crusader for tolerance that he was, argued nonetheless that the sympathetic study of

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different cultures should not lead to the absence of overarching moral standards. There was for Boas, as for Montesquieu before him and Isaiah Berlin after him, an irreducible tension between the claims of a universal morality and a respect for local traditions. But as a part of what has been called the "de-Enlightenment" of anthropology, that tension was resolved in favor of a romantic localism.

Xenophilia replaced xenophobia, so that many anthropologists came to respect every culture but their own. Barbarous customs like female genital infibulation have been passionately defended by anthropologists on the grounds that they must be functional or else societies living close to nature wouldn't have adapted them in the first place. Anthropologists who are capable of sniffing out the slightest smell of repressive power in their own societies are able to defend cannibalism, ceremonial rape, and head-hunting as successful adaptations.

The non-anthropologist who reads Edgerton will be struck by the similarities between the argument evoked to place primitive societies beyond criticism and those that have been used to defend the dysfunctional and deadly expressions of ghetto culture like "gangsta" rap, as a reasonable response to the brutality of white society. The combination of cultural relativism ("Who are we to judge?") and functionalism ("They must know what they're doing") has had the effect of shutting off debate. What Edgerton wants "is a moratorium on the uncritical assumption that the traditional beliefs and practices of folk societies are adaptive while those of modern societies are not and a commitment to examining the relative adaptiveness of the beliefs and practices of all societies."

It's an approach with which Irving Louis Horowitz would very likely concur. Horowitz, a distinguished professor and the editor of Transaction publishers and *Society* magazine, is passionately and persuasively critical of the way sociology "has become so enmeshed in the politics of advocacy . . . that it is simply unaware of, much less able to respond to, new conditions."

An instructive case for Horowitz is one of the most embarrassing episodes in the annals of social science: In 1983 Derek Freeman published *Margaret Mead and Samoa*, which showed that not only had Margaret Mead gotten her facts wrong about the sexual paradise she had found in Samoa, but that Samoans suffered from their share of social and personal pathologies, including a "cult of female virginity" carried further than its Western counterpart. What's more, one of Mead's central informants then came forward to explain that she and her friends had only been pulling Mead's leg.

The 1983 general meeting of the American Anthropological Association responded to Freeman's criticisms not by reconsidering Mead's evidence but by roundly condemning Freeman's book as blasphemy. Important though the question of sexual liberation was, it was part of a larger apostasy in which Freeman had undermined the primitive ideal anthropologists had so long used to bash their countrymen.

Here again, although Horowitz doesn't discuss Rousseau, the radical tendencies within sociology can be described as Rousseauian. Just as the French anthropologist Levi-Strauss turned to reading Rousseau to explain what he was seeing in the Brazilian jungle, Mead's account of sexual life in Samoa seems in retrospect not to have required a physical journey. Here is Mead on Samoa:

> Sex has produced a scheme of personal relations in which there are no neurotic pictures, no frigidity . . . and in personal relations, caring is slight. Love and hate, jealousy and revenge . . . are all a matter of weeks.

Here is Rousseau on man in the state of nature:

> Males and females united fortuitously according to encounters, opportunities and desires. . . . His appetite satisfied, the man has no longer any need of the woman, nor the woman of one particular man.

Mead, only 24 when she had been in Samoa, and herself troubled by questions of her own sexual identity, appeared to have been had, but so it turns out was most of her profession. (Freeman's findings had the same effect on anthropology that the collapse of the USSR had on sociology—next to none.)

Sociology in general, Horowitz argues, has largely become a "repository of discontent, a gathering of individuals who have special agendas" and find the ideal of objectivity to be merely the burdensome baggage of a bourgeois past. The upshot he notes, is not just the highly publicized closing of the sociology departments at Washington University and the University of Rochester but "the departure [from sociology departments of] urbanologists, social planners, demographers, criminologists, penologists," all of whom have spun off their own independent fiefdoms. What's been lost, he argues, is the once-fruitful interaction between empirical researchers, now separated into their specialities, and sociological theory which, cut off from its empirical connections, has become an "escape from reality."

Horowitz takes up the contemporary correlates of a cultural relativism unhinged from its Enlightenment origins in describing what happened to criminology. While anthropologists following Levi-Strauss were denying any meaningful distinction between "savagery" and "civilization," criminologists, says Horowitz, sought to reduce the "distinction between normal and criminal behavior . . . to the whimsical nature of law in society." Criminals were viewed as little different from other citizens engaged in expressions of grievances or searching for wealth through self-help. "Relativism," Horowitz concludes, often ends "in sheer intellectual nihilism."

The "society made me do it" school of sociology has done little to improve on Rousseau's answer when asked if it was true that he had sent all his children to orphanages. "Yes" he answered and went on: "Nature wishes us to have children because the earth produces enough to feed everyone; it is the style of life of the rich; it is your style of life which robs my children of bread."

"Rousseau," wrote Judith Shklar, was both "the voice of protest against every social rule and the voice of therapeutic moral authority." It is from Rousseau and his heirs that the radical left derives what might be described as its anarcho-Stalinist tendencies—that is, its ability to define even the most minimal demand for order in bourgeois societies as repressive while embracing Castro-like carriers of the general will.

In a letter to Mirabeau, Rousseau wrote, "I do not see an endurable middle way between the most austere democracy (of the general will) and the most complete Hobbesianism." But it is precisely

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that excluded middle that Horowitz is looking for. His solution to the "decomposition of sociology" is, in the tradition of John Dewey and Sidney Hook, to reengage the discipline whereby the individual researcher's passions are contained by continually testing propositions against the best available evidence.

"Liberalism," wrote Dewey "as a method of intelligence. . . . signifies the adoption of the scientific habit of mind in application to social affairs." This was to be the *via media* between research demands imposed by the scientific method and the unavoidable moral concerns the researcher brought to his task. This was a tension—like the anthropologists' conflict between universalism and particularism—that radicals resolved in favor of moral relativism.

What now for anthropology and sociology? The future depends on whether the campus Bourbons will be willing to acknowledge that, as New York polymath Jim Chapin puts it, "the Rousseauian kingdom has failed in both its countercultural and totalitarian forms." Neither discipline is likely to revive until the diehards are willing to acknowledge—even if only tentatively, in the form of Isaiah Berlin's "'yes, but . . .' to the Enlightenment"—that the idea of progress may still have something to offer. ❐

THE DEVIL WE KNEW: AMERICANS AND THE COLD WAR

H.W. Brands

Oxford University Press / 243 pages / $25

reviewed by ARCH PUDDINGTON

H. W. Brands is part of a new generation of revisionist historians of the Cold War. In the 1960s, the older generation—C. Wright Mills, William Appleman Williams, Gar Alperovitz, Marcus Raskin, et al.—thundered against American imperialism and gloried in the coming age of Third World revolution. They were notable for a shrill anti-Americanism, an enthusiasm for Marxian "experiments" of the Cuban variety, and a relentless search for grand, sweeping theories to explain all of postwar American policy.

While Brands, a professor at Texas A&M, agrees with a great deal of earlier revisionist dogma, he enjoys one distinct advantage: he has seen the future, and it has failed. Where Mills and others championed anti-imperialist struggle, at least in the Third World, Brands, having witnessed the consequences of Communist governance in Cuba, Vietnam, Ethiopia, and elsewhere, is spared the obligation of defending the socialist faith. He does not insist that Communism might have succeeded if only the United States had not forced it to repressive extremes. And he wastes little time on shopworn notions that the Cold War was triggered by President Truman's "atomic diplomacy," or that prospects for détente were repeatedly scuttled by a rogue CIA.

Ultimately, however, the similarities between the old revisionism and the new are more striking than the differences. Like earlier revisionists, Brands condemns Cold War liberals and neoconservatives, and not Joseph McCarthy, as principally responsible for leading America towards a ruinous anti-Sovietism. His enemies' list features Senator Henry Jackson, Truman's foreign policy team, and—especially—those who gave the Cold War intellectual respectability, from Reinhold Niebuhr to Norman Podhoretz. Brands admires Senator Robert Taft, for his anti-interventionism; along with Eisenhower, for his warnings against the military-industrial complex. He approves of Henry Wallace's understanding attitude towards the Soviet takeover of Eastern Europe, and of the Jimmy Carter who spoke of America having overcome its "inordinate fear of Communism."

Brands writes of anti-Communism with a mocking superciliousness, poking fun at the benighted hard-liners who actually believed in such concepts as the Free World and democratic capitalism. As Brands reminds us, again and again, many silly things were said during the Cold War by American politicians, military men, and members of the political fringes. Brands is a scholar in a free society, and therefore has access to just about every policy document and public utterance issued during the past four decades. But were there Soviet generals who talked about bombing America back to the Stone Age? Did the Soviets seriously consider an invasion of Europe? We may never know; and Brands doesn't care enough to speculate. This book is about America's Cold War experience, and the author is not restricted by an equal time rule. On the other hand, he should be expected to deal honestly with the Communist system and its policies, insofar as they influenced America's own, and on this score, Brands fails miserably.

Brands consistently misinterprets or slants Communist history to serve the idea that American hawkishness reinforced Kremlin hard-line attitudes. He incorrectly asserts that American foreign broadcasts were a significant factor in the Hungarian Revolution. He ignores convincing evidence that Fidel Castro was pro-Communist well before he took power, and was thus *not* pushed into Moscow's arms by hostility from Washington. He also misreads perestroika; Gorbachev's initiatives proved not that Communism could be reformed, but precisely the opposite.

More fundamentally, Brands is so relaxed towards the nature of Communism that he views anything but easygoing coexistence as folly. He thus derides Reinhold Niebuhr as an ideological accomplice of McCarthyism for having described Communism as more dangerous than Hitlerism. Niebuhr believed that, where the Nazis relied on raw power, Communists used lies and deceptions to pose as "the liberators of every class or nation which they intend to enslave." He also felt that Communists were "consistently totalitarian in every

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political and historical environment."

To Brands, this kind of thinking fed the flames of American chauvinism, paranoia, and missionary zealotry. Yet, in retrospect, Niebuhr's warnings seem remarkably prescient. Communism retained an appeal, at least for the Maurice Bishops and Daniel Ortegas of the world, well after the truth was known about the character of the system in the Soviet Union and Eastern Europe. And despite claims that this or that revolutionary government was creating a new and non-authoritarian model, in practice all Communist societies developed along patterns set down in Moscow or Prague, whether the country in question was Nicaragua, Grenada, or North Korea.

Nor does Brands come to grips with the degree to which the Soviet system contributed to the perpetuation of the Cold War. He sneers at American hard-liners for exaggerating Soviet military power and failing to grasp basic weaknesses in Soviet society. Yet these perceptions differed hardly at all from the way the détentists and doves saw things. Indeed, the argument for détente rested on the image of a heavily armed, deeply suspicious, and internally repressive military state whose aspirations to superpower respect had to be acknowledged precisely because, it was asserted, a thwarted or cornered USSR might pose a real danger to world peace.

If there is a basic difference between Brands and other revisionist writers, it lies in the question of *which* Americans were primarily to blame for the continuation of the Cold War over the span of forty-five years. Where others placed responsibility on political, business, or military elites, Brands wags a finger at the American people in general. And where earlier revisionists hated the Cold War for what it allegedly did to those foreign lands whose aspirations to revolution were rebuffed, Brands blames it for a moral decline in America itself.

Brands accepts the traditional view of the Cold War as a time of repression, conformity, and jingoism that eroded our civil liberties and distorted our values—and not just during the McCarthy era. For evidence, he devotes eight pages to J. Edgar Hoover's vendetta against Martin Luther King, and reaches the conclusion that "Cold War patriotism" may well have stalled the achievement of the civil rights movement's goals. One can hardly imagine a worse example. Hoover's campaign against King and other civil rights luminaries was certainly disgraceful. But it is much more likely that a concern that segregation hurt America's image in the Third World intensified the establishment's *support* for civil rights legislation. Never once does Brands confront the fact that the Cold War witnessed broadened individual liberties, a revolution in racial and sexual relations, and an explosion in artistic individualism.

Brands accuses Americans of having "loved the Cold War too much to let it go." We suffer, he says without originality, from "an incurable desire to make the world a better place." American politicians have always believed that "America had important lessons to teach their fellow human beings," and our "save-the-world inclination" was responsible for the "fervor with which Americans waged the Cold War." In the end, America's belief in its moral superiority led it to embrace the tactics of its totalitarian rival. Interestingly, Brands has neglected the opinion of those most qualified to issue a verdict: the people who actually experienced life under Communism. They are not naive about America's failure to consistently fulfill its historic ideals. But they have not been heard demanding any apologies. ❐

FURTHER ALONG THE ROAD LESS TRAVELED: THE UNENDING JOURNEY TOWARDS SPIRITUAL GROWTH

M. Scott Peck, M.D.

Simon & Schuster / 255 pages / $21

A WORLD WAITING TO BE BORN: CIVILITY REDISCOVERED

M. Scott Peck, M.D.

Bantam / 366 pages / $27.95

reviewed by MATTHEW SCULLY

M. Scott Peck, he tells us himself in *Further Along the Road Less Traveled*, is not just another self-help psychologist but an "evangelist." He means this literally, having become a Christian a year or two after publishing *The Road Less Traveled* in 1978. Peck's great service in that book—now in its record 535th week on the *New York Times* bestseller list—was to restore to modern psychology a little humility and to call readers away from the cult of the self, which he diagnosed as among our deepest sources of unease.

As Viktor Frankl had done a generation earlier in *Man's Search for Meaning* and Erich Fromm after that, Peck reminded us that the great question of psychology is less what we want from life than what life demands of us. Instead of treating readers as simpering children in need of more indulging, he addressed the adult within. No one reading in *Road Less Traveled* why "Life is difficult"—his famous first sentence—or why suffering is meaningful and love a discipline, or why God and not us is at the center of reality, could ever again find perfect solace in a tearful hug from Leo Buscaglia.

It's a little disconcerting, then, to find in these books that Dr. Peck himself

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seems to have lost his way. One begins to notice it on that very first page of *Further Along*. Since writing *Road Less Traveled* he has come to see himself as an "evangelist"—but, he adds hastily:

> The word "evangelist" carries the worst possible association and probably brings to your mind the image of a manicured and coiffed preacher in a two-thousand-dollar suit, his gold-ringed fingers gripping a leatherette-covered Bible as he shouts at the top of his lungs: "Save me, Jee-sus!" Fear not. I don't mean to suggest that I have become that kind of evangelist.

Of course we all know the type he is describing. But it seems a slightly uncharitable remark for a Christian psychologist whose vocation is to help us see through the surface of things, the leatherette covers of life, into each troubled heart. The same dismissive tone recurs again and again, this rush to dissociate himself from those *other* Christians. Here one might expect the author to note that for all the Swaggarts and Bakkers he has in mind, there have been evangelists like John Wesley or Billy Graham—neither one given to gold rings or two-thousand-dollar finery, and both having led their share of souls away from narcissism long before M. Scott Peck ever cast his net. But he never does qualify these judgments. In a book full of nuanced discussions about the "mysteries" of faith and character and personality, Peck doesn't seem to mind at all if readers take away a false, simplistic, and unkind view of ordinary evangelists and the folks who make up their flocks—just so long as we all understand he's not one of them.

New Age people, by contrast, receive a gentle reproach: If they wander far afield, he writes in *Further Along*, this is only an understandable reaction to "the emptiness of spirit and the arrogance, narcissism, and blasphemy of the Christian church." For instance, "because organized religion has been very intolerant of beliefs other than its own, the New Age movement has tended to incorporate an extraordinary hodgepodge of ideas, including many esoteric notions ranging from astrology to astral projections to ethereal bodies." On one page, Peck fears that in rebellion against traditional religion New Agers are flirting with ideas he himself regards as "heretical" and indeed in some cases "evil." Yet on the next page he declares:

> Fresh air is what the New Age movement at its best is about. . . . I firmly believe that the sins New Age is reacting against are very real sins. . . . The virtues of the New Age movement are absolutely enormous.

—an absolution his less progressive fellow Christians never get, though by Peck's own objective criteria their mistakes would seem no worse. When traditional Christians go wrong, they're "blasphemous." When the beautiful people succumb to more fashionable errors—that wonderful "hodgepodge of ideas" already stale two millennia ago—they are merely "adventuring without discernment." Are only backward Christians prone to hypocrisy? Are there no gold rings and expensive threads to be found in the fresh air of Sedona, Malibu, or San Francisco? And what has become of Peck's guiding premise that we are all responsible for our own sins?

Perhaps, though, despite this selective severity, Peck is in a sense doing here what he does best: anticipating, with an evangelist's guile, the antipathy his sophisticated readers bear toward traditional religion. This, at least, is what one hopes he is up to. But as we read on, the impression deepens that Peck himself suffers from a spiritual snobbery that, in a lesser man, we could confidently diagnose as narcissism. Take for instance his detailed scheme of spiritual "stages," developed at length in *Further Along*.

"At the beginning—the bottom, if you wish—is Stage One, which I label 'chaotic/antisocial.'" Roughly 20 percent of all people fall into this category. Of these, the more restless sometimes experience a dramatic crisis, "and so it is that they convert to Stage Two, which I have labeled 'formal/institutional.'" Here we find most churchgoers, people who have yet to outgrow their dependency on rules and authority. Lacking a sense of this "profoundly mysterious universe" we inhabit, Stage Two people "become very, very upset if someone starts changing forms or rituals"—Peck's favorite example being Pope John Paul II, who is always trying to suppress Vatican II reformers in his own Church. (Never mind that John Paul II helped *write* Vatican II, and in the years since just may have pondered its meaning as much as M. Scott Peck has.)

Continuing our ascent, we meet Stage Three people, the "skeptic/individual." Although "ahead of Stage Two people in their spirituality . . . they are not religious in the ordinary sense of the word. . . . They are the kinds of people who make up the backbone of organizations like Physicians for Social Responsibility or the ecology movement. They make committed and loving parents."

From there it's on to Stage Four, that "mystical/communal" stage, the endpoint of spiritual evolution where we first espy the lonely footprints of Scott Peck himself. Stage Two types "tend to be threatened by the skeptic individualists of Stage Three, and more than anything, by the Stage Four people, who seem to believe in the same things they believe in and yet believe them with a kind of freedom they find absolutely terrifying."

Thus liberated, one begins to shed what Peck once described to *Playboy* as "the old program" with its "outworn" and "sexist" creeds. (The new program requires such broader terms for God as "She/He," "He/She" or just "She"—Peck's own tiresome usage throughout these books.) Such distasteful Stage Two preoccupations as abortion, too, can be seen in their true light, free of "one-dimensional" and "atavistic" formulations. We learn to "think with integrity":

> Obviously life begins at conception, and obviously any interruption of that life involves the killing of a human being. . . . On the other hand . . .

"On the other hand," his argument runs, those who follow this reasoning to its logical conclusion "lack compassion and integrity." "If you want to think with integrity . . . all you need to do is ask this single question, 'What is missing?' [And] if you ask what is missing in a law that proclaims 'Thou shalt not abort,' the answer you get is responsibility. Responsibility is missing." Viewed from a Stage Four consciousness, something, it turns out, is also missing from the Sixth Commandment. Marital fidelity, we learn, is usually what God has ordained. *On the other hand*, if we are thinking with integrity, then "it is possible for extramarital sex to be quite chaste."

Whether this extra incentive to spiritual excellence is a perk reserved only for mystical/communal types is unclear, but in any event, all comes into focus in this

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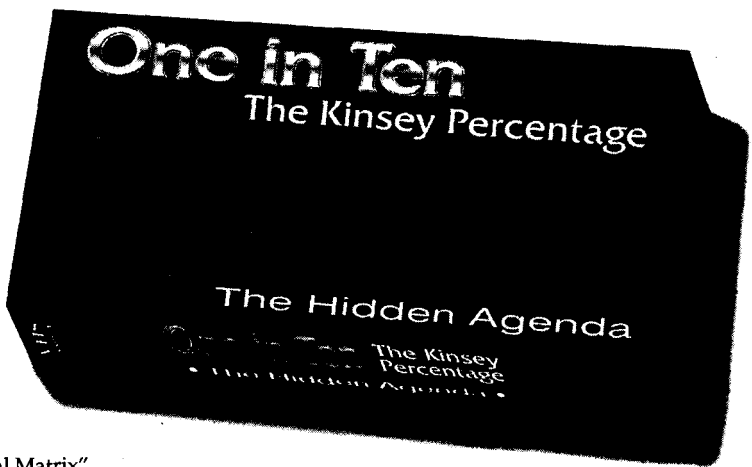

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case study of a friend of Peck's "raised in a Stage Two Irish Catholic home."

> Just as he was entering his adolescent rebellion period, his father's company transferred the family to Amsterdam. There my friend was sent to a Dutch Jesuit school. The Dutch Jesuits are very sophisticated people. Indeed, one of Pope John Paul II's enduring problems has been to figure out how to excommunicate all of Holland, because the entire country leans remarkably toward Stage Four culture. So my friend fell into the hands of these sophisticated and accepting Jesuits. . . . When he came back to Amsterdam at the age of nineteen, he was already in early Stage Four.

Passing over this tribute to the delightful Dutch (modern Amsterdam, we can all agree, appears to be in the advanced stages of something), there are a few problems with this whole amazing construct—what a reader begins to regard as Stage Five, the pedantic/self-referential phase of spiritual evolution. Among other things it does not allow for a whole lot of doubt as to who stands where in this profoundly mysterious universe of ours. Into Stage Two, for starters, go all the saints, just ahead of the sociopaths, just behind the Dutch, and far, far behind our Virgil of the psycho-spiritual realm.

Never mind where, say, Mother Teresa would fall in the scheme, what with that underdeveloped reliance on rules and institutions. What about Augustine, Milton, Pascal, Joan of Arc? What about the Apostles? And what of Paul himself, the man Peck is always invoking as the "original," untainted evangelist? A ferocious, unbending Stage Two man if ever there was one. The man, indeed, who brought all of Christianity into Stage Two, giving humanity in time the eternal feast of reason and doctrine and discipline and mystery of which Peck's own teachings, even at their wisest, are but transitory table scraps. It's doubtless true, as Peck observes, that the Inquisitors were Stage Two types. But then again, try imagining our refined Stage Four man building arks, facing mobs and lions, rebuking Pharisees, putting down heresies, transcribing Bibles, and raising up cathedrals.

What is missing from Scott Peck these days? The clarity and humility with which he began his journey. Somewhere back he took to setting up new markers of his own making along the road, little spiritual travel advisories as if he himself were a pioneer instead of just another poor pilgrim treading deeply worn ground. Far from being the endpoint, his "Stage Four" seems to be a place frequented only by spiritual stagehogs, less a plateau than a chatty rest stop at which the more "advanced" turn back to point out how very small those other stragglers look from so far away.

Five hundred thirty-five weeks on the *New York Times* bestseller list is quite an achievement for any writer, especially for a self-described evangelist called to spread the Christian message. He might reflect with a little more gratitude on the sort of folks who spread it during the 100,000 weeks before that. ❐

PRESSWATCH

(continued from page 53)

spreading dirt about the troopers. They were loathsome, they were liars, they were driven only by greed. Many columnists and commentators picked up on that, never noting that the troopers had spoken to *The American Spectator* and the *Los Angeles Times* for free, rather than to a supermarket tabloid that would have paid them real money. At the same time, the hound-dogs struck gold in the old rutting ground where the mess had begun. An Associated Press story out of Little Rock, picked up by major newspapers and cited on television news broadcasts, said:

> State police will investigate two troopers for alleged insurance fraud—but won't probe their claims that President Clinton misused his security detail while he was Arkansas Governor. "I don't think any criminal law has been violated," state police commander Tommy Goodwin said of the allegations by troopers Larry Patterson and Roger Perry. But as for the possibility that the two attempted to defraud an insurance company after an auto accident, "I don't think we have any choice" but to investigate, Goodwin said.

That finished the troopers, of course; they were insurance cheats as well as liars. Who could possibly believe now what they had said about Clinton? Nonetheless, eight days after the AP story, Goodwin spoke again. He told the *Arkansas Democrat-Gazette* that stories about the insurance investigation were the result of a "misunderstanding." The troopers had not cheated. "I don't know what the grounds are, if any, for an investigation," he declared. Apparently, however, only the *Los Angeles Times* picked up the new story.

And so it goes, the media in denial, the public in confusion, and, for all anyone knows, Bill Clinton still in heat. Meanwhile, Sally Perdue, a former Miss Arkansas, has told the London *Sunday Telegraph* that she and Clinton once had an affair. She also said that, in 1992, she had been threatened with bodily harm if she spoke about it to the press. A man told her it would be a pity if anything happened to her legs, suggesting someone might break them. The threat, though, whether real or imagined, almost certainly was not necessary. Bill Clinton is not George Bush. Even the most respectable news organizations investigated the unfounded rumors that Bush had once had an affair with his secretary. Bush, however, was a Republican. No respectable news organization has ever shown any interest in Miss Perdue.

For her sake, this is probably just as well. Consider what happened to Paula Jones, who was the "Paula" in Brock's story. At a news conference in Washington in mid-February, she said Trooper Ferguson had approached her while she was working as a hostess at a state-sponsored convention, and said the governor wanted to see her. Then, she said, Ferguson escorted her to Clinton's hotel suite. What happened then?

"He"—Clinton—"presented himself to me in an unprofessional manner," Mrs. Jones declared. "He proceeded to take my hand, pull me over, put his hand—slide it up my leg." Mrs. Jones also said that before she fled the room, Clinton asked her for "a type of sex" that made her feel "humiliated." Mrs. Jones said she immediately told two women colleagues what had happened. In fact, she had their affidavits to prove it.

Mrs. Jones's news conference was on a Thursday; the *Washington Post* reported what she said the following Monday, burying it inside the Style section, while suggesting Mrs. Jones was a mindless bimbo. It was really the cheapest of shots. On the other hand, what did you expect? The only other important thing to know about the aftermath of David Brock's story is that the *New York Times* has just quietly hired the co-author of the story in the *Los Angeles Times*. It was a backhanded compliment to Brock, confirming the accuracy of his story, too. ❐

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Collins, Robert Mapplethorpe, Jonathan Demme, and John Rawls. It is artistic and personal "freedom" at the level of a voyeur watching rutting pigs: unprincipled, antihuman, unartistic, socialist, and anti-mind. I am no Francophile, at least not specifically, but I am not so concerned that the French rock industry is insipid as I am that their general culture (as the German and British) is more intelligent and artistic than ours.

Mr. Brooks contends that French "hysteria" has more to do with national identity than economics, and in that he is entirely right. I have never seen much of an identity, other than a negative one, in the products of our entertainment industry. . . . Perhaps, if our country returned to teaching real values and real subjects in our classrooms, a newer, more positive American culture would emerge. As for now our "culture" . . . does not present an image of man as the highest pinnacle of creation, but one of a confused animal driven by lust and controlled by politicians who supposedly know better than we.

—Stephen M. Stroff
Editor, The Music Box
Cincinnati, Ohio

Koop KO'ed

I was deeply disappointed by the petty nonresponse by C. Everett Koop to the letter from Gregg L. Cunningham ("Chicken Koop," *TAS*, January 1994). Far from being "mean spirited" (Dr. Koop's characterization), I found Mr. Cunningham's letter a sincere attempt to express concerns (which I share) and seek clarification.

As one who was deeply influenced by Dr. Koop's book (co-authored with Francis Schaeffer), *Whatever Happened to the Human Race?*, it is very disheartening to see the former Surgeon General stooping to this level. *—Jim Bell*
Woodland Hills, California

Did Koop read the same letter I did? In response to Cunningham's polite and mildly worded criticism and encouragement, Koop snaps: "It surprises me you were a state legislator" . . . "so far off the truth . . ." Where did that come from? He concludes, "You are mean spirited . . . ." Good grief, talk about pots calling kettles black (except here the kettle isn't black).

Is this what happens to "conservatives" who get D.C. jobs? They get coopted by the liberals and become hostile to their one-time allies? . . .

—J. M. Rodgers
Sierra Madre, California

Although the January issue included a number of more important and enlightening articles, I wish only to comment on Dr. Koop's reply to Mr. Cunningham's letter in the article entitled "Chicken Koop." I can scarcely ever remember hearing or reading such an arrogant, self-righteous ad hominem attack in my life. In my mind, Mr. Cunningham's criticisms stand unchallenged. I am deeply disappointed in Dr. Koop.

—Col. James G. McFadden AUS (Ret.)
Edgewater, Maryland

Lord Bauer Rules

Tom Bethell's superb column on how food aid harms recipients contained one inaccuracy that should be corrected ("Exporting Famine," *TAS*, December 1993). In making the largely valid observation that the left has noticed the perniciousness of aid more often than "conservatives" have, he stated that "P. T. Bauer, a leading critic of foreign aid, missed it." But Bauer has pointed out that harm many times. For example, in *Equality, the Third World. and Economic Delusion*, he wrote that "another form of specific aid distorts relative prices in the recipient economy and so discourages particular activities. Aid in the form of free supplies of food has had this effect in India and elsewhere, and has discouraged local food production" (p. 107). That book was published in 1981, but the material was first written in the 1970s. I have not checked his earlier work, but the point is surely to be found there as well.

Bauer is one of the intellectual giants of our time. There is very little he hasn't noticed on either end of the corrupt policy misleadingly called foreign aid.

—Sheldon Richman
Cato Institute
Washington, D.C.

Rocky Raccoon

Geoffrey Norman's "Stop Me Before I Don't Shoot!" in the December issue prompts me to tell how we do it in Virginia. We are not pioneers, rather city people, retired, and now living in a delightful rural area.

On a sunny Sunday afternoon last July my neighbor saw a raccoon in his driveway. It appeared clumsy, confused. Java, the family dog, saw it also and attacked. Java was bitten on the face but forced the raccoon to climb a tree. One shot from a .22 dispatched the sick animal. It was placed in a plastic bag and next morning sent to the health department. The reply was prompt, "positive for rabies." Java had been vaccinated against rabies but got a booster shot. An efficient young man in uniform appeared the same day to make sure that all of the local dogs had been vaccinated.

Java's wound healed and she became the neighborhood heroine. We threw a party for her, presented her with a citation, a purple heart (wounded in action against the enemy), and a supply of goodies. The rest of us had Bourbon.

I suggest that the Yankees in Westchester County try our way. It is more fun. *—Robert Bailey*
Weems, Virginia

Acid Test

In reviewing the December issue's "Current Wisdom," I have come across something that I wish I had caught the night it occurred, October 2, 1993. I am referring to Larry King's weekend with H. Rodham Clinton.

In this short passage, we read of young Hillary's first car, and of a "dislike" her battery had for her car. She said the battery would run down if left in the vehicle overnight. Her solution was to remove said battery every night and take it with her to her room and keep it warm. I am sure this seems the most compassionate thing to do, for the poor battery's sake, but had young Hillary the good sense to merely seek professional advice, she would have learned that the car likely had what is known as a "dead short" somewhere in the electrical system. Such a problem will cause exactly what she described, and fixing it would have solved all of young Hillary's battery woes.

Enter 1993: A now middle-aged Hillary says that our great nation has a whole host of problems, among them a "collapse" of our health care system. She has bravely set about trying to fix this "tragic" problem. I cannot help but wonder, if her solution to a dead short was to remove the battery and keep it warm, how far out will her solution be to our current "crisis?" . . . *—Steven D. Howard*
Ocala, Florida

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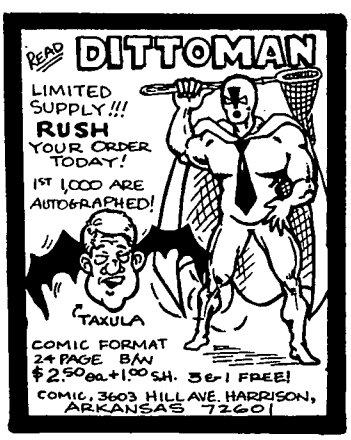

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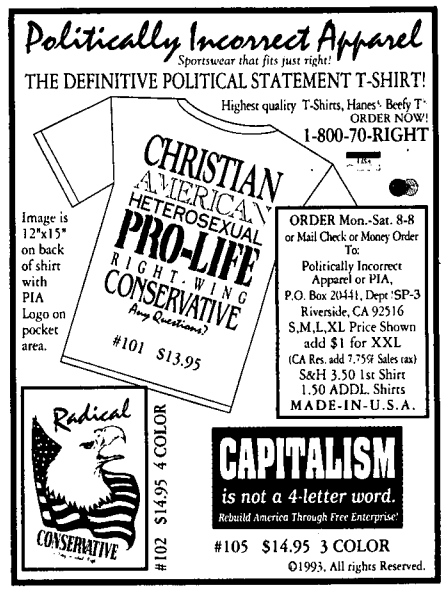
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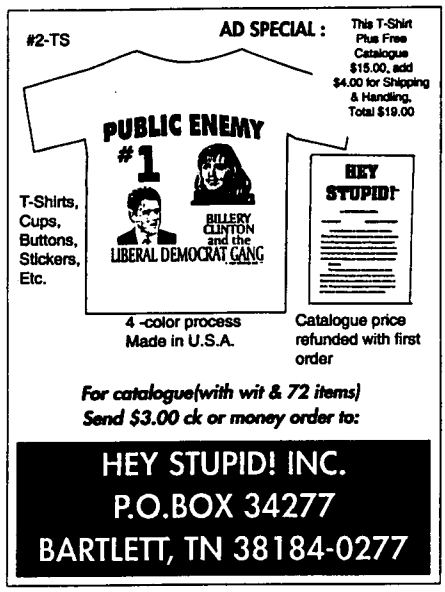
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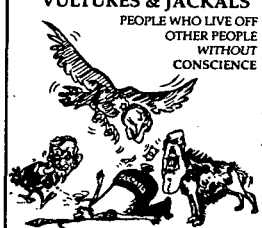

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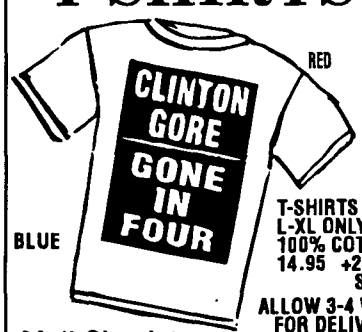

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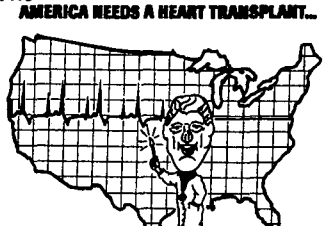

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New York Times

From the political party whose leader once popularized that line about the buck stopping here:

In an unusual move that reflected the political sensitivity of the episode, the White House and the National Security Council referred all inquiries about the shooting to the Pentagon. Earlier in the day, the Pentagon had referred all questions to the State Department.

[February 1, 1994]

Union Leader

(Manchester, NH)

Betsey Wright plays her last trump:

Addressed to Jim Finnegan: Cheerleader for the American Spectator.

Since you have so much faith in the American Spectator and David Brock who was the author of the "hatchet" job about President Clinton, I'd like to present a few asides which The Union Leader will never publish.

Guess who owns and publishes the American Spectator. None other than the father-in-law of Eliot [sic] Abrams, a discredited and self admitted . . . who should have gone to jail, but plead [sic] guilty and plea bargained for a lesser charge. Do you think he had anything to do with the David Brock article in the American Spectator?

Another writer for the American Spectator is Brett [sic] Hume, a well known Clinton basher. Guess who is on the board of directors of the American Spectator? None other than Freddie "Beatle" [sic] Barnes who makes . . . seem like a moderate. Would you really feel comfortable in the company of Eliot Abrams, David Brock, Gennifer Flowers, etc. Maybe I'll answer that question for you! After reading your editorial for 30 years [sic], I'd say you would be right at home and enjoy every minute of it.

—B. J. Wilcox
Brookline

[February 2, 1994]

Larry King Show

(Mutual Broadcasting Systems)

Larry, Vince, and Hillary:

LARRY KING, host: Hey, anything you want to talk about. There are no rules on the Larry King Open Phone America scene. . . . (King takes calls from the audience about various topics.) . . . The four state troopers—were—all their views were aired on CNN. That's where I saw them.

UNIDENTIFIED MAN: To break that story before it came out in *The American Spectator*. They didn't want to feel scu . . .

KING: No, no, no, no. But—did you read the Ameri—I—I want to ask you something. I read the *American Spectator* story. I want to tell you—I want to ask you a question about that story. A lot of that story dealt with Clinton after he became president. What on that was verified?

MAN: Well, wait a minute now. Wait a minute. What about the . . .

KING: What—what on that was verified?

MAN: . . . What about the affair that Hillary Clinton's supposed to have had with Vince Foster? And what about his death? And what about that . . .

KING: Wait. Hold it. Hold it. Hold on. Sir, have a good time.

(King takes other calls after hanging up on this particular caller.)

[January 31, 1994]

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An artless advertisement for a new video demonstrates how the *Kulturmog* spreads its political pollutants:

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1 VHS (647254): $24.95

[February 1994]

Syracuse New Times

A polite inquiry from another suave New Age tree hugger:

It's the most wonderful time of the year—for seeing hundreds of Christmas trees laying on the side of the road.

Gee, I know they look beautiful decorated for the holidays. I also know how fragrant a fresh cut tree can be. I know they are raised on a farm just for the purpose of being used as temporary decor. I know that in Onondaga County there are fantastic options for disposal of a live tree, like collections at local malls or having it made into mulch for your garden. I have read an article about using a disposed Christmas tree as "shelter" in your yard for wildlife.

I know that using a live tree with roots involves extra work and less time that the tree can actually be kept in the house. I know that an artificial tree lacks the *je ne sais quoi* of a live tree. I also know that this world needs all the trees we can get and that it takes years for a tree to reach 5 or 6 feet.

I know that "tradition" is not a good reason for this mass waste of a natural resource. What I don't know is, why am I the only one who seems upset? Because even if they plant two trees for every one they cut, it still is a waste for a beautifully healthy tree to be cut down, decorated, then discarded after a week or so. The worse [sic] part is that naturalists, environmentalists and outdoors people are the worse [sic] offenders; they often do the tree cutting themselves as part of an annual ritual.

Anyone else bothered by all this?

[January 19-26, 1994]

The Ruth Koscielak Show

(WCCO, Minneapolis)

The celebrated Voice of the Great North Woods interviews a moral colossus on the scortatory pursuits of Our President:

RUTH KOSCIELAK (host): President Jimmy Carter is our special guest today. So nice to meet you.

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With the recent article in *The American Spectator*, we've had a lot of shows where we've talked about Clinton's alleged affairs, and—and, in fact, by the way, you were mentioned as the only president, we're pretty sure, who didn't have affairs while he was president.

JIMMY CARTER: But anyway, that is an issue that I think Clinton has successfully weathered during the campaign itself. When every . . .

KOSCIELAK: Yeah, he did.

JIMMY CARTER: . . . all the allegations were made, people have looked at that, have analyzed it, some believe it, some don't. And they said OK, in spite of that, he's the guy we want to be our president. So I don't think these new allegations from this—from the state patrol officers are—are going to be significant. In fact, I don't think they're true.

[January 12, 1994]

New York Times

Another memorable passage from sports columnist George Vecsey, demonstrating why it is increasingly difficult to read this hanky-holder without easy access to an air-sickness bag:

By being whacked on the knee, by falling to the ground, by crying in pain, she has subliminally reminded Boston people of, yes, their slain Irish prince, John Fitzgerald Kennedy, who never got to perform the triple axels everybody knew were in him. But by surviving with a certain girlish grace that cannot be totally taught, even by the wizards of Pro-Serv, Nancy Kerrigan has also reminded people of, yes, the woman who carried on when the Boston Irish prince was murdered, Jacqueline Bouvier Kennedy Onassis.

[February 6, 1994]

The Ronn Owens Show

(KGO, San Francisco)

Ronn encounters Rich of Oakland and is enlightened as to the darker side of American journalism:

OWENS: Let's go to Rich in Oakland. Hey, Rich, good morning.

RICH: Welcome, back, Ronn.

OWENS: Thank you, sir.

RICH: Happy Holidays.

OWENS: And to you.

RICH: I want to talk to you fir—the *Time* man of the year—men of the year, or whatever—but first I saw something on "Washington Week" the other night, and I was just wondering if it caught your attention if—in case you weren't watching. They did this thing on the Clinton—the Clinton allegations. Apparently they were pushed hard by Brit Hume who is the White House correspondent for ABC, as you know. This guy, Brit Hume, apparently writes for *The American Spectator*. Were you aware of that?

OWENS: No. Totally unaware of that.

RICH: OK. Well, he . . .

OWENS: Brit Hume writes regularly, or was it perhaps an article that he excerpted?

RICH: He writes regularly for *The American Spectator*.

OWENS: Whoa.

[December 27, 1993]

Journal of the American Medical Association

Dr. James F. Marks from somewhere in Dallas gets his comeuppance from two urban sophisticates pondering disease and the Division of Labor in cosmopolitan Baltimore:

To the editor— I have no statement to make about the scientific content of the article by Nelson et al. I would, however, chastise Nelson et al. for further contributing to the sterilization of the English language. I find the use of the term *commercial sex worker* just a trifle too bland and a touch squeamish. No one should object to the use of the word *prostitute* in a medical journal.

James F. Marks, MD, MPH
Southwestern Medical Center at Dallas
Dallas, Tex.

In Reply—We use the term *commercial sex worker* rather than *prostitute* advisedly in our article describing the epidemiology of human immunodeficiency virus (HIV) infection among young men in northern Thailand. While the term prostitute is certainly more colorful than the sterility of the term commercial sex worker (CSW), prostitute has a decidedly negative connotation. The reality of the lives of the women referred to in our article is one in which they sell sex for financial gain in various settings. While many work in brothels and are referred to as "direct CSWs" by the Ministry of Public Health's Communicable Disease Control office, many others also work as singers, waitresses, or masseuses. The latter are commonly referred to as "indirect CSWs."

The motivations for engaging in this work by women are numerous but generally are based on a real need to obtain the economic resources necessary for everyday living, not only for themselves, but for their parents, their children, their siblings, and other extended family. This certainly is far from the moralistic tone suggested by terms used in dictionary definitions, such as "debauchery" and "licentious." In practice, the women referred to in this article have sex with an average of four men per day, at a rate of approximately 100 baht (US $4), for which they received somewhat less than one half of the charge. Historians have demonstrated the driving poverty underlying the growth of the sex industry in Thailand, particularly in areas where limited opportunities for gainful employment exist. Work in the sex trade is one means of social and economic mobility generally engendered by economic need.

We are not squeamish about using the term prostitute . . .

Kenrad E. Nelson, MD
David D. Celentano, ScD
The Johns Hopkins University
School of Hygiene and Public Health
Baltimore, Md

[January 19, 1994]

New York Times

Further politicization of Yuppie science, this time through the op-ed cerebrations of Suzanne White, described by the *Times* as the "author of three books on Chinese astrology":

Tonight at midnight, we ring in the Chinese New Year. Good riddance to a Rooster year—notorious for sending us on a harrowing ride to hell and back and then forcing us to start over from scratch—and welcome to the Year of the Wood Dog. Whenever the Dog comes to power, we can look forward to 12 fractious months of recovery. In Dog years, the weather calms down and the political climate heats up.

Bill Clinton, born a Leo in 1946, is a Fire Dog. A Leo and a Dog: that's our President. The Dog symbolizes caring, protection and justice; he is the devoted guardian of the hearth. If you don't believe me, watch him bounding, Labrador like, on his morning run. Observe his tail-wagging, I'm-so-glad-to-see-you grin when he greets his constituents. How about that wrinkled bulldog brow as he ponders his next move, the dogged determination to win and the willingness to lead the pack? It's uncanny: he's the archetypal Leo/Dog. . . .

The President's archrival, Bob Dole, was born a Virgo in 1923. This makes him a Water Pig—more pure than Ivory soap . . .

[February 10, 1994]

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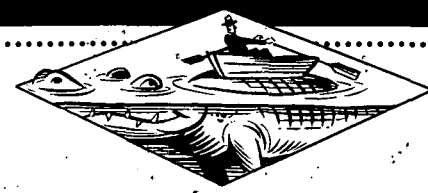

A Bird in the Brush

by Dana Rohrabacher

Victims are looking for those responsible for the more than 200,000 acres and 1,145 homes turned to ashes by the fire in Southern California in October 1993. It wasn't an arsonist or Mother Nature. As the smoke cleared, burned-out homeowners and weary firefighters were pointing to a surprising culprit: environmental extremists.

In Riverside County, according to the *Wall Street Journal*, Michael Rowe and his hilltop neighbors were caught in an environmental pickle. The Riverside County Fire Department had ordered them to "abate the flammable vegetation" on their property, something they were eager to do. But Rowe and his neighbors live in a "study area" for the Stephens Kangaroo Rat, a rodent protected by the Endangered Species Act. The U.S. Fish and Wildlife Service (USFW) made its position clear: "The firebreak would harm the K-Rat, and thus is 'not authorized' by the Endangered Species Act." In a letter to Rowe, the USFW warned "that the Act provides for both criminal and civil penalties." In other words: Clear the brush, go to jail.

On October 27, a wildfire roared through Riverside County. Mr. Rowe, in a quick decision to break the law, hopped on his tractor and cleared a firebreak. His house now stands alone, surrounded by the charred remains of his neighbors' property. The federally protected rats, presumably, fared worse.

Rowe's story pales in comparison to the debacle in Laguna Beach. Last October, firefighters made heroic efforts to save homes in Laguna, eventually running out of water but never giving up. One team, faced with empty hydrants, scooped water with a dog dish in a desperate attempt to save a burning home.

Why the shortage of water? Because the Laguna Beach City Council had long ignored pleas from city fire officials for the construction of a 3-million-gallon reservoir, which would have fed depleted hydrants for two to three more hours. The reservoir project had initially been approved by the council in 1990. Unfortunately, when Village Laguna, a no-growth group, elected three members to the council, the plan was delayed. (One can understand why local residents might oppose the construction of an unsightly tower, but the Laguna Beach project was to be an underground storage facility on a faraway ridgetop.)

Nothing was good enough for Village Laguna. Even in the face of pleas from Fire Chief Rich Drewbury, who described the city's water supply as "marginal because of potential fire flow," even as the city's water storage facilities fell dangerously short of the recommended reserve capacity, opposition continued. After more than three years and two dozen public meetings, the council again shelved the proposed reservoir last July 24. On October 27, Laguna burned.

At the height of California's drought, there had been a scattering of much-needed rainfall. Local officials were excited at the chance to capture some of the water behind the Prado Dam, which blocks the Santa Ana River as it enters Orange County. There was just one problem: Some least-bells vireos, which are on the endangered species list, had nested behind the dam, and flooding the birds' habitat, however briefly, would be considered a "take" under the Endangered Species Act. Never mind that the birds winter in Baja California and wouldn't return to the Prado basin for more than a month. In the midst of an economy-killing drought, billions of gallons of water were permitted to flow to the ocean to protect a bird that wasn't even there.

Why weren't Laguna's hills and canyons cleared of the brush that fueled the fire? The Orange County Fire Department had planned a controlled burn to remove Laguna Canyon's dense and highly combustible chaparral. But for three years, the USFW and a dozen nests of the endangered gnatcatcher kept the department from the brush-clearing plan.

Laws protecting coastal habitats for the gnatcatcher, the cactus wren, the K-rat, and other species have repeatedly thwarted controlled burns in California. The local air quality management board (AQMD) has also blocked burns, claiming they add to air pollution. In 1992 and 1993 there were only half the normal number of these preventive burns. Orange County's fire chief complains that burns that once required six months of planning now require two years. The Irvine Company, a Laguna landowner, was denied a permit to clear dry vegetation on its undeveloped land, which in drought conditions is a tinderbox. The company had responsibly cleared brush on its land in previous years. In 1993, the answer from USFW was "No way."

Even after the devastation, Village Laguna still opposes construction of the hilltop reservoir. Laguna Beach City Council members are threatening to sue the local water agency, which was given the green light to build the reservoir by a federal judge on October 22, just days before the tragic fire. And U.S. Fish and Wildlife continues to oppose the Irvine Company, which still wants to clear brush on the part of its land not yet charred by fire.

Luckily, the voting booths didn't burn down. ❐

Rep. Dana Rohrabacher represents Orange County, California's 45th congressional district.

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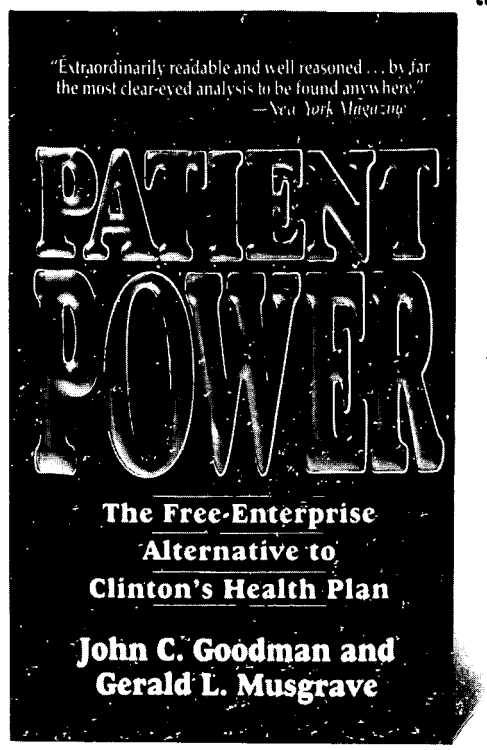
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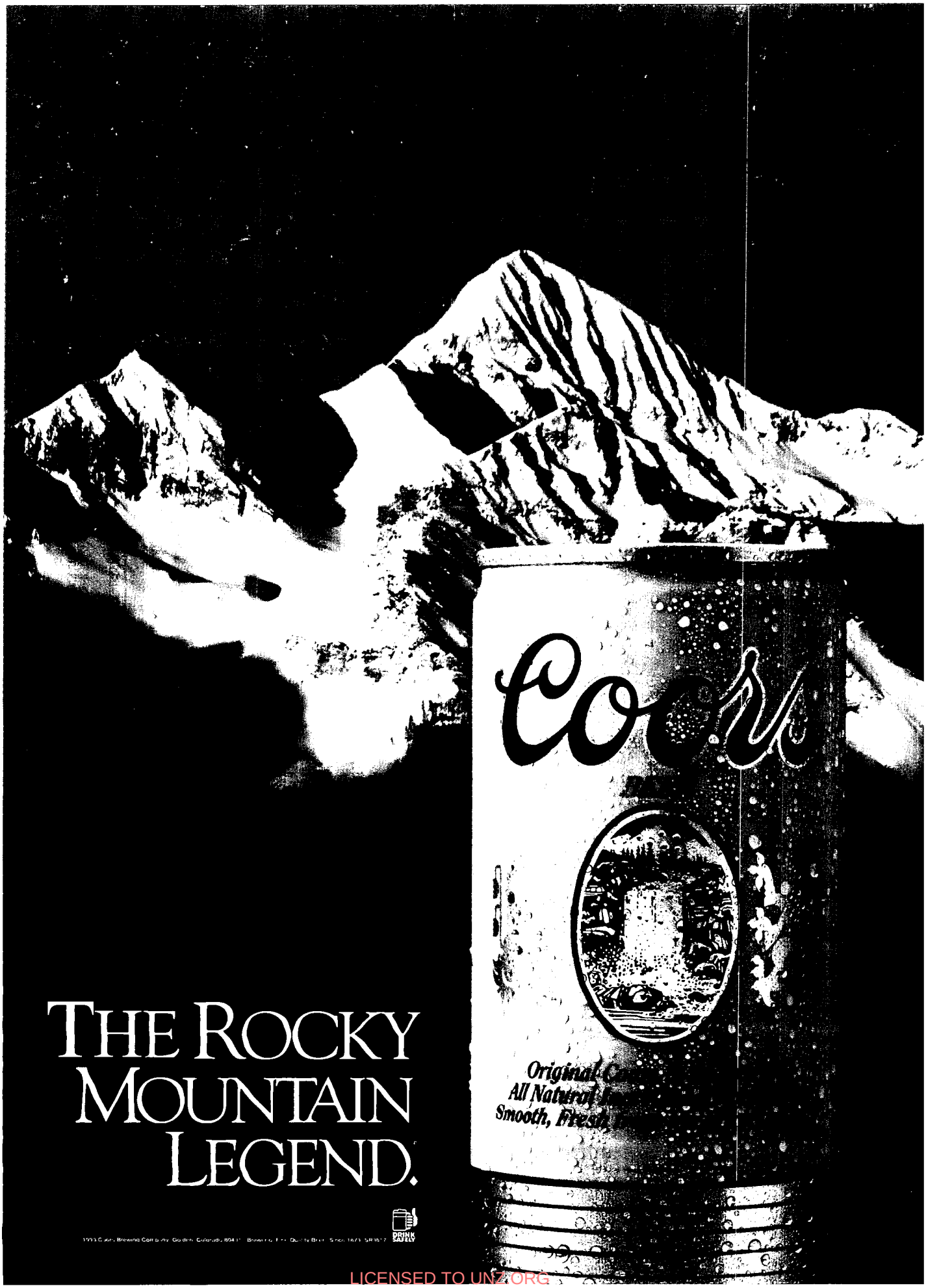

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